

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT NOCK, an individual, on
his own behalf and on behalf of
all others similarly situated,
Plaintiff,

v.

Civil Action No.

SPRING ENERGY RRH, LLC d/b/a

1:23-cv-01042-

SPRING POWER & GAS; RRH ENERGY

JHR

SERVICES, LLC d/b/a RICHMOND ROAD

HOLDINGS, LLC; and RICHMOND ROAD

HOLDINGS, LLC, Delaware limited

liability companies,

Defendants.

VIDEOCONFERENCE DEPOSITION OF GARY PUDLES

DATE: Monday, August 26, 2024

TIME: 10:03 a.m.

LOCATION: Remote Proceeding

AnswerNet

3930 Commerce Avenue

Willow Grove, PA 19090

REPORTED BY: James Bekman

JOB NO.: 6872872

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5	4054 McKinney Avenue, Suite 310	5	E X H I B I T S
6	Dallas, TX 75209	6	NO. DESCRIPTION PAGE
7	ep@eplaw.us	7	Exhibit 20 Email Dated 5/11/21 55
8	(972) 842-4666	8	Exhibit 21 Endurance Enrollment GPS Data 92
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3	SPRING POWER & GAS, RRH ENERGY SERVICES LLC D/B/A	3	1 URL Tpvhub.com Record 74
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5	HOLDINGS, LLC, DELAWARE LIMITED LIABILITY COMPANIES:	5	I N F O R M A T I O N R E Q U E S T E D
6	ELLIOT A. HALLAK, ESQUIRE (by videoconference)	6	NO. DESCRIPTION PAGE
7	Harris Beach PLLC	7	1 TPV.com Hiatus Date 38
8	677 Broadway, Suite 1101	8	
9	Albany, NY 12207	9	Q U E S T I O N S I N S T R U C T E D N O T T O A N S W E R
10	ehallak@harrisbeach.com	10	PAGE LINE
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<p>1 G. Pudles</p> <p>2 THE REPORTER: Good morning. My name</p> <p>3 is James Bekman. I'm the reporter</p> <p>4 assigned by Veritext to take the record of</p> <p>5 this proceeding. We are now on the record</p> <p>6 at 10:03 a.m.</p> <p>7 This is the deposition of Gary Pudles</p> <p>8 taken in the matter of Robert Nock, an</p> <p>9 individual on his own behalf and on behalf</p> <p>10 of all others similarly situated v. Spring</p> <p>11 Energy RRH, LLC doing business as Spring</p> <p>12 Power & Gas, RRH Energy Services, LLC</p> <p>13 doing business as Richmond Road Holdings,</p> <p>14 LLC, and Richmond Road Holdings, LLC,</p> <p>15 Delaware Limited Liability Companies on</p> <p>16 Monday, August 26, 2024, at 390 Commerce</p> <p>17 Avenue, Willow Grove, Pennsylvania 19090.</p> <p>18 I'm a notary authorized to take</p> <p>19 acknowledgements and administer oaths in</p> <p>20 New York. Parties agree I will swear in</p> <p>21 the witness remotely.</p> <p>22 Absent an objection on the record</p> <p>23 before the witness is sworn, all parties</p> <p>24 and the witness understand and agree that</p> <p>25 any certified transcript produced from the</p> <p style="text-align: right;">Page 6</p>	<p>1 G. Pudles</p> <p>2 Okay. So at this time, could everybody in</p> <p>3 attendance please identify themselves for</p> <p>4 the record?</p> <p>5 MR. PRESTON: My name is</p> <p>6 Ethan Preston. I'm appearing on behalf of</p> <p>7 Plaintiff Robert Nock.</p> <p>8 MR. WILSON: Jeremy Wilson on behalf</p> <p>9 of Plaintiff Robert Nock.</p> <p>10 MR. HALLAK: Elliot Hallak from the</p> <p>11 law firm of Harris Beach here for the</p> <p>12 defendants.</p> <p>13 MR. MURDZA: David Murdza, general</p> <p>14 counsel for AnswerNet appearing for</p> <p>15 AnswerNet witness Gary Pudles.</p> <p>16 THE REPORTER: And if the witness</p> <p>17 could just state his first and last name.</p> <p>18 MR. PUDLES: My name is Gary Pudles.</p> <p>19 THE REPORTER: Thank you.</p> <p>20 MR. PUDLES: P-U-D-L-E-S.</p> <p>21 THE REPORTER: Thank you. Okay.</p> <p>22 Hearing no objection, I will now swear in</p> <p>23 the witness.</p> <p>24 If you could please raise your right</p> <p>25 hand. Thank you.</p> <p style="text-align: right;">Page 8</p>
<p>1 G. Pudles</p> <p>2 recording of this proceeding:</p> <p>3 - is intended for all uses</p> <p>4 permitted under</p> <p>5 applicable procedural</p> <p>6 and evidentiary rules</p> <p>7 and laws in the same</p> <p>8 manner as a deposition</p> <p>9 recorded by stenographic</p> <p>10 means; and</p> <p>11 - shall constitute written</p> <p>12 stipulation of such.</p> <p>13 Now, at this time, will everybody in</p> <p>14 attendance please identify themselves for</p> <p>15 the record?</p> <p>16 It looks like Counsel Wilson is</p> <p>17 joining us now. So before I swear in the</p> <p>18 witness, I will let him in and let him</p> <p>19 know we're at appearances. I'll take a</p> <p>20 quick pause here.</p> <p>21 Counsel Wilson, we're about to do</p> <p>22 appearances if you're -- could hear us;</p> <p>23 okay? So feel free to join.</p> <p>24 MR. WILSON: I can. Okay, thank you.</p> <p>25 THE REPORTER: Okay, thank you.</p> <p style="text-align: right;">Page 7</p>	<p>1 G. Pudles</p> <p>2 WHEREUPON,</p> <p>3 GARY PUDLES,</p> <p>4 called as a witness and having been first</p> <p>5 duly sworn to tell the truth, the whole</p> <p>6 truth, and nothing but the truth, was</p> <p>7 examined and testified as follows:</p> <p>8 THE REPORTER: Okay. Counsel, please</p> <p>9 proceed.</p> <p>10 EXAMINATION</p> <p>11 BY MR. PRESTON:</p> <p>12 Q Good morning, Mr. Pudles. I</p> <p>13 just want to make sure, are you impaired,</p> <p>14 or ill, or taking medication and it would</p> <p>15 cause you not to be able to give truthful</p> <p>16 testimony today?</p> <p>17 A No.</p> <p>18 Q Have you been -- had your</p> <p>19 deposition taken before?</p> <p>20 A Yes.</p> <p>21 Q Okay. So I'm going to remind</p> <p>22 you and go over some of the ground rules.</p> <p>23 Court reporter can't see gestures. It's</p> <p>24 really a transcribed interview. And so</p> <p>25 everything -- all your answers have to be</p> <p style="text-align: right;">Page 9</p>

<p>1 G. Pudles</p> <p>2 verbal. We can't talk over each other.</p> <p>3 And you should ask me if you can't --</p> <p>4 don't hear or understand a question. Does</p> <p>5 that -- do those rules sound amenable to</p> <p>6 you?</p> <p>7 A Yes.</p> <p>8 Q Okay. So this is a deposition -</p> <p>9 - a Rule 30(b)(6) deposition of AnswerNet</p> <p>10 and some affiliates to get their side of</p> <p>11 the story on some events that are relevant</p> <p>12 to the underlying lawsuit. I wanted to</p> <p>13 ask before we go, what function does</p> <p>14 AnswerNet or its affiliates play in the</p> <p>15 third party verification processes of the</p> <p>16 defendants?</p> <p>17 A For -- we -- we provide third</p> <p>18 party verification. We provide that</p> <p>19 service.</p> <p>20 Q Okay. And what does that</p> <p>21 involve?</p> <p>22 A That involves either with an</p> <p>23 electronic or a live script where we</p> <p>24 confirm with the consumer that they know</p> <p>25 what they're buying and that they -- that</p> <p style="text-align: right;">Page 10</p>	<p>1 G. Pudles</p> <p>2 selling in, we will capture coordinates</p> <p>3 related to the seller. Related to the</p> <p>4 sales --</p> <p>5 Q Okay. Do you --</p> <p>6 A I'm sorry. Related to the sales</p> <p>7 agent. I apologize.</p> <p>8 Q Thank you. Do you capture any</p> <p>9 other information?</p> <p>10 A Certainly. We record the</p> <p>11 entirety generally of the transaction and</p> <p>12 all of the data being requested in the</p> <p>13 particular script by a client. We capture</p> <p>14 all of that data either electronically or</p> <p>15 -- either electronically or by an agent</p> <p>16 collecting that data and putting it into a</p> <p>17 database.</p> <p>18 Q Okay. And what is your personal</p> <p>19 involvement? This is a case that's going</p> <p>20 to focus on TPV.com. Do you know who I'm</p> <p>21 talking about when I say TPV.com?</p> <p>22 A I'm sorry. I do know who</p> <p>23 TPV.com is, yes.</p> <p>24 Q Okay. What information does</p> <p>25 TPV.com capture about door-to-door sales</p> <p style="text-align: right;">Page 12</p>
<p>1 G. Pudles</p> <p>2 they want to make the purchase.</p> <p>3 Q Okay. So that's the</p> <p>4 verification call --</p> <p>5 A Correct.</p> <p>6 Q -- that is made in the course of</p> <p>7 the third party verification? One of the</p> <p>8 critical features that AnswerNet and its</p> <p>9 affiliates play in this litigation is the</p> <p>10 collection of GPS data. Does that change</p> <p>11 your answer at all in terms of what</p> <p>12 services AnswerNet provides?</p> <p>13 A No, it doesn't change my answer</p> <p>14 at all.</p> <p>15 Q Okay. So you guys -- does the</p> <p>16 AnswerNet and its affiliates collect GPS</p> <p>17 coordinates for the sales agent?</p> <p>18 A For -- sorry, I interrupted.</p> <p>19 You want to finish your question?</p> <p>20 Q For the sales agents that were</p> <p>21 working on behalf of the defendants.</p> <p>22 A Well, first of all, we don't</p> <p>23 work on behalf of the sales agents. We</p> <p>24 work on behalf of the seller. And</p> <p>25 depending on what channel the seller is</p> <p style="text-align: right;">Page 11</p>	<p>1 G. Pudles</p> <p>2 agents?</p> <p>3 A They capture the -- the details</p> <p>4 of a transaction. It really depends on</p> <p>5 the client, and each client has their own</p> <p>6 scripts and their own data that they</p> <p>7 determine that we should capture for them.</p> <p>8 So, you know, we do capture, you know,</p> <p>9 transaction information, consumer</p> <p>10 information, the terms of the -- of the</p> <p>11 offer and the acceptance, and as you</p> <p>12 pointed out, the GPS coordinates at</p> <p>13 certain parts of the transaction.</p> <p>14 Q Okay. Do you capture anything</p> <p>15 else like IP addresses, or user agents, or</p> <p>16 other data that's transmitted over an HTTP</p> <p>17 protocol?</p> <p>18 A Yes. I -- I would -- it depends</p> <p>19 on the client. Or if you have one of our</p> <p>20 reports, you can show it to me and I'm</p> <p>21 happy to point out what the -- what those</p> <p>22 data points are.</p> <p>23 Q Okay. Do you understand that</p> <p>24 there's a court case involving the</p> <p>25 defendants and my client?</p> <p style="text-align: right;">Page 13</p>

<p>1 G. Pudles</p> <p>2 A I understand that there's, if</p> <p>3 I'm not mistaken, a TCPA action between</p> <p>4 your client and my client.</p> <p>5 Q Okay. And when did you come to</p> <p>6 that understanding?</p> <p>7 A I have no idea. Well, sometime</p> <p>8 -- one -- most likely at a meeting after</p> <p>9 you reached out or after the client</p> <p>10 reached out to my general counsel who's</p> <p>11 very diligent in making sure I know</p> <p>12 things.</p> <p>13 Q Okay. I'm going to upload</p> <p>14 another exhibit to the drive. You should</p> <p>15 have access to a Google Drive.</p> <p>16 A Well, I do, but I -- I would</p> <p>17 prefer if you would share documents,</p> <p>18 because I would rather make sure that I'm</p> <p>19 not searching for something and we're not</p> <p>20 talking about the same thing. So if you</p> <p>21 don't mind bringing up and sharing the</p> <p>22 document, that would be appreciated,</p> <p>23 because I don't want to -- I -- I want to</p> <p>24 make sure that I'm looking at the right</p> <p>25 document at the right time.</p> <p style="text-align: right;">Page 14</p>	<p>1 G. Pudles</p> <p>2 you see AnswerNet, TPV, LLC, Sales</p> <p>3 Verification, and Cerida Investment</p> <p>4 Corp --</p> <p>5 A I do.</p> <p>6 Q -- Mr. Pudles?</p> <p>7 A I do.</p> <p>8 Q Okay. And have you seen this</p> <p>9 document before?</p> <p>10 A I have not.</p> <p>11 Q You have not seen this document</p> <p>12 before?</p> <p>13 A No.</p> <p>14 Q Okay. Did you prepare for a</p> <p>15 deposition? Did you prepare for this</p> <p>16 deposition?</p> <p>17 A I did.</p> <p>18 Q Okay. How did you prepare?</p> <p>19 A With counsel and with -- with</p> <p>20 counsel and a couple of other people, but</p> <p>21 mostly with counsel.</p> <p>22 Q Okay. Without involving</p> <p>23 discussions with your counsel, who did you</p> <p>24 speak with?</p> <p>25 A I spoke with Eduardo Flores who</p> <p style="text-align: right;">Page 16</p>
<p>1 G. Pudles</p> <p>2 Q Okay. We might not always be</p> <p>3 able to do that, but I will try.</p> <p>4 MR. PRESTON: Mr. Bekman, can we --</p> <p>5 I'm going to try to share the screen.</p> <p>6 THE REPORTER: Yes. You're -- you're</p> <p>7 set up, Counsel. Oh, I'm just trying --</p> <p>8 this is the same Google Drive from</p> <p>9 previous?</p> <p>10 MR. PRESTON: Yeah. Yeah. It's a</p> <p>11 little bit different. Actually, it might</p> <p>12 -- the URL might be different.</p> <p>13 THE REPORTER: Okay.</p> <p>14 MR. HALLAK: Ethan, can you just let</p> <p>15 us know what exhibit you're referring to</p> <p>16 when you bring up documents --</p> <p>17 MR. PRESTON: This is Exhibit 150.</p> <p>18 (Exhibit 150 was marked for</p> <p>19 identification.)</p> <p>20 MR. HALLAK: Okay. Thank you.</p> <p>21 BY MR. PRESTON:</p> <p>22 Q All right. So this is a</p> <p>23 subpoena. It is a subpoena for a Rule</p> <p>24 30(b)6 deposition of AnswerNet and some</p> <p>25 affiliated companies. There we go. Do</p> <p style="text-align: right;">Page 15</p>	<p>1 G. Pudles</p> <p>2 is our Vice President of TPV,</p> <p>3 Lauren Hinote, who is our -- who is our</p> <p>4 salesperson, and counsel.</p> <p>5 Q Okay. And how long has</p> <p>6 Mr. Flores been at TPV.com?</p> <p>7 A I don't know how long he's been</p> <p>8 at TPV.com, but he -- he's been with</p> <p>9 TPV.com since I acquired that company --</p> <p>10 or since Cerida Investment Corp acquired</p> <p>11 the LLC.</p> <p>12 Q Okay. Did he have a position</p> <p>13 TPV.com prior to that acquisition?</p> <p>14 A He did. He did.</p> <p>15 Q Okay. And when did that</p> <p>16 acquisition take place, if you don't mind</p> <p>17 my asking?</p> <p>18 A I believe it was 2021.</p> <p>19 Q Okay. What did you speak with</p> <p>20 Mr. Flores about?</p> <p>21 A About making sure that I knew</p> <p>22 the things I thought you would ask about.</p> <p>23 Q Okay. How did you do that</p> <p>24 without looking at the deposition notice?</p> <p>25 A Because it -- the -- the prep</p> <p style="text-align: right;">Page 17</p>

<p>1 G. Pudles</p> <p>2 work was prepped by my attorneys.</p> <p>3 Q Okay.</p> <p>4 A So -- so anything I needed to</p> <p>5 see was prepared for me by my attorneys.</p> <p>6 Q Okay. And what specifically did</p> <p>7 you discuss with Mr. Flores?</p> <p>8 A What did I specifically discuss</p> <p>9 with Mr. Flores? Well, with the group and</p> <p>10 -- and there was no private conversation,</p> <p>11 so I'm not really sure where the attorney</p> <p>12 privilege lies, but we went over the -- a</p> <p>13 couple of sheets that you had sent over, a</p> <p>14 couple of reports from ours to make sure</p> <p>15 that I was correctly identifying those.</p> <p>16 And we talked about -- about what we</p> <p>17 thought you might ask and -- and how we</p> <p>18 might answer that -- how I might answer</p> <p>19 that. And my attorneys gave me advice as</p> <p>20 to, you know, as to some of the ways I was</p> <p>21 going to answer or not answer depending on</p> <p>22 the nature of the question.</p> <p>23 Q Okay. And there was another</p> <p>24 person, Laura [sic] Hinote? Did I --</p> <p>25 A Correct.</p> <p style="text-align: right;">Page 18</p>	<p>1 G. Pudles</p> <p>2 Q Okay. Are there any other</p> <p>3 employees who would have more information</p> <p>4 about what you assumed we were going to</p> <p>5 ask about in the deposition?</p> <p>6 A No.</p> <p>7 Q Okay. How do you know that?</p> <p>8 A Well, because I just do. I</p> <p>9 mean, I'm not sure how to even answer</p> <p>10 that, so I'll just say that nobody would</p> <p>11 know more than Lauren and Eduardo.</p> <p>12 Q Okay. Very good. What happened</p> <p>13 after the acquisition of TPV.com and I</p> <p>14 think there's another entity that's sort</p> <p>15 of involved in this called TrustedTPV --</p> <p>16 does that sound like an affiliate --</p> <p>17 A It is.</p> <p>18 Q -- of AnswerNet?</p> <p>19 A We -- we -- yes. TrustedTPV was</p> <p>20 a business whose assets we acquired.</p> <p>21 Q Okay. What happened to TPV.com</p> <p>22 and TrustedTPV? Are those entities -- do</p> <p>23 they still exist?</p> <p>24 A TPV.com, LLC exists. Trusted --</p> <p>25 Trusted may exist. I've never bought -- I</p> <p style="text-align: right;">Page 20</p>
<p>1 G. Pudles</p> <p>2 Q Okay. And what's her position?</p> <p>3 A She's in sales.</p> <p>4 Q Which entity?</p> <p>5 A She sells for the TPV companies.</p> <p>6 She works -- she works -- I -- I'm not</p> <p>7 sure which company she actually works for.</p> <p>8 I have a few. But she's --</p> <p>9 Q Yeah.</p> <p>10 A -- she's the salesperson</p> <p>11 dedicated to the TPV business. She also</p> <p>12 came from TPV.com and was very</p> <p>13 knowledgeable about the focus platform,</p> <p>14 which I believe you're going to ask about.</p> <p>15 Q I am going to ask about that.</p> <p>16 That is -- I'm grateful that we're on the</p> <p>17 same page about that. Is there any</p> <p>18 information that you sought in preparation</p> <p>19 for your deposition that you were not able</p> <p>20 to obtain?</p> <p>21 A Not that I can think of.</p> <p>22 Q Okay.</p> <p>23 A No. In fact, I know there</p> <p>24 was -- I got everything I -- I needed --</p> <p>25 at least what we thought we needed.</p> <p style="text-align: right;">Page 19</p>	<p>1 G. Pudles</p> <p>2 didn't buy the entity -- I only bought the</p> <p>3 assets.</p> <p>4 Q Okay. Who's the most senior</p> <p>5 employee at Cerida Investment?</p> <p>6 A Me.</p> <p>7 Q Okay. Who's the most senior</p> <p>8 employee at AnswerNet?</p> <p>9 A Well, AnswerNet, Inc. is me, but</p> <p>10 AnswerNet is a brand, it's not an -- it's</p> <p>11 not a corporation.</p> <p>12 Q Okay. What's the relationship</p> <p>13 between AnswerNet, Inc. and AnswerNet the</p> <p>14 brand?</p> <p>15 A AnswerNet the brand covers a</p> <p>16 number of corporations. AnswerNet, Inc.</p> <p>17 was the first company created that -- that</p> <p>18 is now part of AnswerNet.</p> <p>19 Q Okay. And so TPV.com, those --</p> <p>20 the verification records that were created</p> <p>21 during the course of defendant's business</p> <p>22 with TPV.com, who owns those assets? Who</p> <p>23 operates that business?</p> <p>24 A Well, TPV.com, LLC is owned by</p> <p>25 Cerida Investment Corp.</p> <p style="text-align: right;">Page 21</p>

<p>1 G. Pudles</p> <p>2 Q Okay.</p> <p>3 A Cerida Investment Corp is owned</p> <p>4 by me.</p> <p>5 Q Okay. Who's the most senior</p> <p>6 person at TPV.com?</p> <p>7 A Well, if it's not me, it's</p> <p>8 Eduardo Flores.</p> <p>9 Q Okay.</p> <p>10 A Actually -- actually, yeah -- or</p> <p>11 it -- it would be Cori Bartlett, who is my</p> <p>12 COO.</p> <p>13 Q Okay. Okay. And what about</p> <p>14 TrustedTPV?</p> <p>15 A Well, the assets of TrustedTPV</p> <p>16 were folded into -- I believe folded into</p> <p>17 TPV.com.</p> <p>18 Q Okay. Okay. So TrustedTPV sort</p> <p>19 of merged into what used to be TPV.com,</p> <p>20 but that's really now AnswerNet. Is that</p> <p>21 -- do I have that right?</p> <p>22 MR. MURDZA: Objection. Doesn't</p> <p>23 classify his testimony accurately, but you</p> <p>24 can answer.</p> <p>25 THE WITNESS: All right. So</p> <p style="text-align: right;">Page 22</p>	<p>1 G. Pudles</p> <p>2 they maintain -- sorry. What are the</p> <p>3 steps that they take to maintain that</p> <p>4 separation?</p> <p>5 MR. MURDZA: Objection on the grounds</p> <p>6 of relevance. Are we going to talk about</p> <p>7 Focus and TPV?</p> <p>8 MR. PRESTON: We are. I just -- but</p> <p>9 who's running focus, Mr. Murdza? It's</p> <p>10 not --</p> <p>11 MR. MURDZA: I'm not here to answer</p> <p>12 questions.</p> <p>13 MR. PRESTON: -- clear.</p> <p>14 THE WITNESS: Well, so going back to</p> <p>15 your -- could you reread the open</p> <p>16 question, please?</p> <p>17 BY MR. PRESTON:</p> <p>18 Q Sure. What steps does AnswerNet</p> <p>19 take to maintain the separation between</p> <p>20 different affiliates?</p> <p>21 A And if you're asking me what we</p> <p>22 do to keep our companies different --</p> <p>23 separated, they have separate payrolls,</p> <p>24 they have separate bank accounts. They</p> <p>25 have -- they have separate, you know --</p> <p style="text-align: right;">Page 24</p>
<p>1 G. Pudles</p> <p>2 AnswerNet is brand. So to the extent that</p> <p>3 all of these brands are now part of</p> <p>4 AnswerNet and operate under the brand</p> <p>5 AnswerNet TPV, we bought the member</p> <p>6 interests of -- of TPV.com, LLC. So</p> <p>7 Cerida owns a 100 percent of the member</p> <p>8 interests. And Cerida also bought the</p> <p>9 operating assets of Sales Verification,</p> <p>10 LLC, which, you know, as Trusted.</p> <p>11 BY MR. PRESTON:</p> <p>12 Q TrustedTPV?</p> <p>13 A Correct.</p> <p>14 Q Okay.</p> <p>15 A So they're operated -- they're</p> <p>16 operated as one business under the</p> <p>17 AnswerNet brand.</p> <p>18 Q How then does AnswerNet</p> <p>19 distinguish between the different</p> <p>20 affiliates?</p> <p>21 A Wow, I'm not really sure. We --</p> <p>22 we work very hard to keep our various</p> <p>23 affiliates separate, so I'm not really</p> <p>24 sure what you are trying to ask.</p> <p>25 Q Well, what are the steps that</p> <p style="text-align: right;">Page 23</p>	<p>1 G. Pudles</p> <p>2 you know, they have separate existences.</p> <p>3 We have separate, you know, registrations</p> <p>4 in separate states.</p> <p>5 Q Okay. Okay. See if I can get</p> <p>6 this in front of me. So I'm going to</p> <p>7 upload another exhibit. I'm going to try</p> <p>8 to share it again with y'all. Share</p> <p>9 another one. All right. So this is a</p> <p>10 letter I received from Ashly McGarity.</p> <p>11 (Exhibit 151 was marked for</p> <p>12 identification.)</p> <p>13 Have you ever seen this letter</p> <p>14 before?</p> <p>15 A No.</p> <p>16 Q Okay. So there's a -- I'm going</p> <p>17 to highlight a paragraph.</p> <p>18 A Mm-hmm.</p> <p>19 Q Is this a correct statement?</p> <p>20 This --</p> <p>21 A It is.</p> <p>22 Q Okay. So by way of background,</p> <p>23 on June 18, 2021, Cerida acquired the</p> <p>24 member interest of TPV.com, a transaction</p> <p>25 which did not involve AnswerNet. All</p> <p style="text-align: right;">Page 25</p>

<p>1 G. Pudles</p> <p>2 right.</p> <p>3 A Which did not involve AnswerNet,</p> <p>4 Inc.</p> <p>5 Q Right. Okay. Do you know how</p> <p>6 TPV.com's procedures changed after this</p> <p>7 acquisition?</p> <p>8 A Wow. Which procedures</p> <p>9 specifically are you talking about?</p> <p>10 Q Fair enough. Their verification</p> <p>11 of enrollments for defendants and their</p> <p>12 communication policies with respect to</p> <p>13 communications with the defendants.</p> <p>14 A They did not change. They did</p> <p>15 not change.</p> <p>16 Q Okay. We're going to roll out</p> <p>17 of that. Does Ms. McGarity have any</p> <p>18 technical background?</p> <p>19 A I wouldn't know --</p> <p>20 MR. MURDZA: Objection, relevance,</p> <p>21 but you can answer.</p> <p>22 BY MR. PRESTON:</p> <p>23 Q Let me rephrase that. Does she</p> <p>24 have any involvement in the technical or</p> <p>25 database side of AnswerNet?</p> <p style="text-align: right;">Page 26</p>	<p>1 G. Pudles</p> <p>2 was not clear. Which entity -- which</p> <p>3 AnswerNet affiliate controls the documents</p> <p>4 responsive to requests five and six in</p> <p>5 Exhibit 152. Is that Cerida or TPV, LLC?</p> <p>6 A I would say that that's TPV. I</p> <p>7 would say that's TPV. TPV controls the --</p> <p>8 the documents. They might get support</p> <p>9 from some of the other entities, but the</p> <p>10 control of the documents -- would be in</p> <p>11 TPV.</p> <p>12 Q Okay.</p> <p>13 A But to be very clear, 'cause I</p> <p>14 don't want to be unclear, I believe</p> <p>15 that -- I -- I believe you would say that</p> <p>16 much of -- many of the documents are --</p> <p>17 are -- the infrastructure for holding</p> <p>18 those documents are not -- are not</p> <p>19 controlled by TPV. So we have an</p> <p>20 infrastructure -- an internal</p> <p>21 infrastructure that stuff -- but the</p> <p>22 documents themselves and the knowledge in</p> <p>23 them would be controlled by TPV.</p> <p>24 Q So when you say TPV in your</p> <p>25 answer, you're referring to TPV.com, the</p> <p style="text-align: right;">Page 28</p>
<p>1 G. Pudles</p> <p>2 A No.</p> <p>3 Q Or any of the affiliates?</p> <p>4 A No.</p> <p>5 Q Okay. Add another. I'm going</p> <p>6 to add another exhibit. Going to save</p> <p>7 that with y'all. Try to get it up on the</p> <p>8 screen. All right. So this is a subpoena</p> <p>9 duces tecum that was served on TPV, LLC</p> <p>10 and Cerida Investment.</p> <p>11 (Exhibit 152 was marked for</p> <p>12 identification.)</p> <p>13 I want to scroll down to</p> <p>14 requests one, five, and six. One involves</p> <p>15 documents concerning Nock, and I don't</p> <p>16 want to belabor that point, but five and</p> <p>17 six involve communications with defendants</p> <p>18 during the class period and communications</p> <p>19 with sales agents who enrolled consumers</p> <p>20 with the defendants during the class</p> <p>21 period. And I want to ask who controls</p> <p>22 these documents?</p> <p>23 A I believe you've been working</p> <p>24 with our attorneys.</p> <p>25 Q No, no. Sorry. That question</p> <p style="text-align: right;">Page 27</p>	<p>1 G. Pudles</p> <p>2 TPV, LLC entity --</p> <p>3 A Correct.</p> <p>4 Q -- because TPV is an acronym</p> <p>5 that you guys use in your industry;</p> <p>6 correct?</p> <p>7 A TPV is an acronym stands for</p> <p>8 third party verification.</p> <p>9 Q Right. And your prior answer</p> <p>10 just now concerning who controls things,</p> <p>11 what you're really talking about is</p> <p>12 TPV.com, which is a specific LLC?</p> <p>13 A Correct.</p> <p>14 Q Correct? Okay. So I'm going to</p> <p>15 upload another document, and this is</p> <p>16 Exhibit 107. Get rid of that.</p> <p>17 (Exhibit 107 was marked for</p> <p>18 identification.)</p> <p>19 All right. Mr. Pudles, you</p> <p>20 should have -- you should be able to see</p> <p>21 another exhibit that we've prepared and it</p> <p>22 lists the full names of some of the</p> <p>23 defendants. Do you see that?</p> <p>24 A I do.</p> <p>25 Q Okay. And this is Exhibit 107.</p> <p style="text-align: right;">Page 29</p>

<p>1 G. Pudles</p> <p>2 And I want to ask, do you know who these</p> <p>3 companies are?</p> <p>4 A I do.</p> <p>5 Q Okay. And how do you</p> <p>6 distinguish between these three companies?</p> <p>7 A How do I distinguish between</p> <p>8 those three companies? I'm not sure what</p> <p>9 you mean.</p> <p>10 Q Well, there are three different</p> <p>11 companies somewhat similar to AnswerNet's</p> <p>12 different affiliates. I'd like to</p> <p>13 understand, you know, from AnswerNet's</p> <p>14 perspective how these three companies are</p> <p>15 different.</p> <p>16 MR. HALLAK: Objection to the form of</p> <p>17 the question.</p> <p>18 A The -- I don't know the legal</p> <p>19 underpinnings of RRH. What I know is that</p> <p>20 when they sign up for a particular service</p> <p>21 in a particular state -- when they sign up</p> <p>22 for TPV service in a particular state or</p> <p>23 in a particular -- with a particular</p> <p>24 product, they will tell us the legal</p> <p>25 entity that operates that product in that</p> <p style="text-align: right;">Page 30</p>	<p>1 G. Pudles</p> <p>2 an objection.</p> <p>3 Q Sure. But he's not being</p> <p>4 deposed. You are.</p> <p>5 MR. HALLAK: So, Ethan, as long as</p> <p>6 that's just how you're referring to them</p> <p>7 for purposes of this deposition, that's</p> <p>8 fine.</p> <p>9 BY MR. PRESTON:</p> <p>10 Q Okay. We'll take that under</p> <p>11 advisement. Get rid of that exhibit. And</p> <p>12 do you recognize -- sorry. I got rid of</p> <p>13 that too soon. Do you recognize this?</p> <p>14 Can you still see that last exhibit -- the</p> <p>15 107?</p> <p>16 A I -- I'm looking at the list of</p> <p>17 names where the first three names are,</p> <p>18 Spring Energy RRH, RRH Energy Services,</p> <p>19 and Richmond Road Holdings.</p> <p>20 Q All right. And I also want to</p> <p>21 ask, do you recognize some of the other</p> <p>22 names that I've just highlighted?</p> <p>23 Endurance Sales, Lone Star Marketing --</p> <p>24 A I can't -- I can't see anything</p> <p>25 other than the line up to Retail Energy</p> <p style="text-align: right;">Page 32</p>
<p>1 G. Pudles</p> <p>2 state. And that's all we need to know.</p> <p>3 Q Okay.</p> <p>4 A For me -- for me, it's -- for</p> <p>5 me, it's one guy. And when that guy</p> <p>6 calls, I jump.</p> <p>7 Q Okay. And who is that guy?</p> <p>8 A Greg Hasiak.</p> <p>9 Q Okay. Okay. And so as far as</p> <p>10 you're concerned, Mr. Hasiak, when he's</p> <p>11 calling you, he's calling -- it could be</p> <p>12 on behalf of any of those entities?</p> <p>13 A Or any other entity that he</p> <p>14 might have an interest in.</p> <p>15 Q Okay. And your relationship</p> <p>16 with him would be sort of defined at the</p> <p>17 level of whatever contractor arrangement</p> <p>18 you are operating under at that time?</p> <p>19 A Correct.</p> <p>20 Q Okay. Go back. So can I talk</p> <p>21 about these defendants as a group? Can I</p> <p>22 just refer to them as RRH or as</p> <p>23 defendants? Would that be okay with you?</p> <p>24 A I'm -- I'm here for you. I</p> <p>25 guess that would be Mr. Hallak, if he had</p> <p style="text-align: right;">Page 31</p>	<p>1 G. Pudles</p> <p>2 Solutions.</p> <p>3 Q Okay. I'm going to restart it.</p> <p>4 How about now?</p> <p>5 A I recognize the name Endurance</p> <p>6 Sales and Marketing, and I don't recognize</p> <p>7 any of the other names.</p> <p>8 Q Okay. And what about these</p> <p>9 names? NSL Marketing, Neil St. Louis?</p> <p>10 No?</p> <p>11 A No. Don't know those either.</p> <p>12 Q Okay. What do you know about</p> <p>13 Endurance Sales?</p> <p>14 A They -- they were a seller for</p> <p>15 RRH and RRH has sued them because RRH</p> <p>16 believes that -- well, whatever is in the</p> <p>17 lawsuit. I -- what I know is that they</p> <p>18 were a seller for RRH and that they are</p> <p>19 now engaged in a lawsuit that RRH has</p> <p>20 initiated.</p> <p>21 Q Okay. Going to upload some more</p> <p>22 exhibits, make sure that you have</p> <p>23 everything. All right. So this is a</p> <p>24 contract between TPV and the defendants.</p> <p>25 //</p> <p style="text-align: right;">Page 33</p>

1 G. Pudles
2 (Exhibit 113 was marked for
3 identification.)
4 Can you see this, Mr. Pudles --
5 this exhibit --
6 A I can.
7 Q Okay. And so my question is,
8 why did Richmond Road Holdings sign this
9 agreement?
10 MR. HALLAK: Objection to form.
11 A Because they wanted to acquire
12 services from TPV.com.
13 Q Sure.
14 A By the way, that's pure
15 speculation, but that's usually why
16 somebody signs a contract.
17 Q Sure. I guess that's not the
18 nub of my question. The defendants have a
19 number of affiliates like AnswerNet, but
20 in this case they signed with the holding
21 company. And so they have been unable to
22 tell me why they signed with the holding
23 company. And so I assume -- presume that
24 this is a requirement of TPV.com. And I
25 wanted to ask why did TPV.com want to have

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1 G. Pudles
2 an agreement with the holding company for
3 defendants?
4 A I don't --
5 MR. HALLAK: Objection -- hold on,
6 Gary. Let me just put an objection on the
7 record. Objection to the form of the
8 question and to the characterization of
9 the any defendant's testimony in this
10 matter. Okay. You can continue, Gary --
11 MR. MURDZA: I object on the grounds
12 that that assumes a conclusion and also
13 calls for speculation. Mr. Pudles can
14 answer if he understands.
15 THE WITNESS: So I have no idea why
16 the parties entered into the agreement
17 using the name Richmond Road Holdings.
18 BY MR. PRESTON:
19 Q Okay. And we're getting into
20 closer to the heartland of this
21 deposition. I don't know if you guys want
22 to take a break. We've been going for
23 40 minutes. You want want to keep
24 trucking?
25 A Trucking, yeah. Let's keep

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1 G. Pudles
2 trucking, and I'll stop singing The
3 Grateful Dead.
4 Q Yeah, that's great. All right.
5 So when did TPV.com start collecting GPS
6 data for the defendant's enrollments?
7 A Sometime prior to my ownership.
8 Q Okay. And do you know -- did
9 that not come up with Mr. Flores or
10 Ms. Hinote?
11 A No, I -- it -- it is my
12 understanding that that's been a part of
13 the system since the TPV.com system was
14 launched prior to my ownership.
15 Q Okay.
16 A I know that it was done prior,
17 because when we acquired it, it was
18 already being done.
19 Q Okay. How does the defendant's
20 business compare to other AnswerNet
21 customers who are in the retail energy
22 space?
23 MR. MURDZA: Objection to form --
24 A I'm not -- I'm not sure what you
25 mean, but other than --

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1 G. Pudles
2 Q Is there anything --
3 THE REPORTER: Counsel, that --
4 Counsel Hallak, that was an objection as
5 well to form?
6 MR. HALLAK: Yeah, yeah. Same
7 objection to form.
8 THE REPORTER: Yeah, it was just --
9 just garbled. Thank you.
10 BY MR. PRESTON:
11 Q Is there anything unusual or
12 distinctive about their business, or is it
13 pretty much consistent with other retail
14 energy suppliers?
15 A It's pretty much consistent --
16 THE REPORTER: Counsel Hallak, you
17 broke up again. That was objection to the
18 form of the question?
19 MR. HALLAK: Objection to the form of
20 the question. Yes. Thank you.
21 THE REPORTER: Thank -- thank you,
22 Counsel.
23 THE WITNESS: And the -- the work
24 that we do is pretty much consistent
25 across our TPV customer base.

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1 G. Pudles
2 BY MR. PRESTON:
3 Q Okay. Does TPV.com still
4 provide services to defendants today?
5 A I believe we -- we may have a
6 little, but I -- I also -- part of me
7 believes that they may be on hiatus right
8 now. I believe they are on hiatus.
9 Q Okay. And --
10 A And so I don't believe -- I
11 don't believe they're currently selling.
12 Q Okay. Do you know when they
13 went on the hiatus?
14 A I don't. I don't, but if it's
15 relevant or important, I'm certain I can
16 get that back to you.
17 Q Okay. I think it would -- it
18 probably might be useful. So in your
19 business --
20 A Sorry -- David make a note,
21 please.
22 MR. MURDZA: I'm doing that now.
23 THE WITNESS: Okay.
24 BY MR. PRESTON:
25 Q Has AnswerNet communicated with

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1 G. Pudles
2 the defendants about this subpoena?
3 MR. MURDZA: Objection.
4 BY MR. PRESTON:
5 Q About this case?
6 MR. MURDZA: Objection, privilege.
7 There's been lots of communications by
8 answering that, Counsel, with yourself and
9 other counsel, including calls that you
10 were on relative to this matter. So he
11 can answer as to AnswerNet the operating
12 entity, but I do want to be clear that
13 when it involves discussions with myself
14 or Ashly McGarity, of which there's been
15 several, those are privileged.
16 MR. PRESTON: Sure. But I'm talking
17 about communications between AnswerNet or
18 its affiliates and defendants.
19 THE WITNESS: I can only speak to my
20 conversations. I know there have been
21 conversations between the attorneys.
22 Nobody else in the company would talk to
23 anybody at RRH to my knowledge about
24 anything with the lawsuit. I had one
25 conversation regarding the lawsuit with my

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1 G. Pudles
2 counsel and with some folks, and I don't
3 remember who over at -- other than I know
4 Greg wasn't on the call, and I think it
5 was all lawyers and maybe somebody
6 internally about the lawsuit generally.
7 BY MR. PRESTON:
8 Q Okay. And what was the content
9 of that conversation?
10 MR. MURDZA: Objection, privilege.
11 MR. PRESTON: Sorry. You say
12 privilege, but I'm confused. I'm talking
13 about communications between AnswerNet,
14 and the affiliates, and the defendants,
15 and so I'm not sure how that would be
16 privileged.
17 MR. MURDZA: I'm not sure what type
18 of conversations you're asking --
19 THE WITNESS: I'm talking about the
20 one conversation we had as a group, you,
21 me, and some folks over there. I don't
22 remember who was on it from their side.
23 We had one conversation.
24 MR. MURDZA: I don't remember who --
25 if any defendants were involved in that.

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1 G. Pudles
2 BY MR. PRESTON:
3 Q Is there a joint defense
4 agreement between AnswerNet and the
5 defendants?
6 A There is not. Not to my
7 knowledge.
8 Q Okay. Okay. So, and this gets
9 back to our -- kind of core of this
10 deposition. Your business involves
11 verifying enrollments of door-to-door
12 salespeople; correct?
13 A That's part of it, yes.
14 Q Do you have a sense of how much
15 travel -- let me rephrase. How much does
16 the average door-to-door salesperson
17 travel in a typical day?
18 A I wouldn't know. I'm not in
19 a -- I'm not a -- in the door-to-door
20 business.
21 Q But you're measuring in --
22 you're verifying their enrollments and
23 you're taking their GPS data as part of
24 that verification.
25 A Okay.

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1 G. Pudles
2 Q So you would have some data
3 about how much they're traveling from
4 enrollment to enrollment; correct?
5 A The system -- that data would
6 live on the system, yes.
7 Q Okay. And does AnswerNet ever
8 look at that GPS data to assess, you know,
9 how much travel a typical door-to-door
10 salesperson would do in a typical day?
11 A No.
12 Q Okay. So there's no baseline --
13 AnswerNet does not have any baseline to
14 evaluate whether or not a door-to-door
15 salesperson has traveled an unusual
16 distance and to evaluate their
17 enrollments? Does that -- so if the
18 typical door-to-door salesperson travels
19 five miles in a day and one particular
20 door-to-door salesperson travels a hundred
21 miles in a day, that would not create any
22 red flags over at AnswerNet or TPV.com?
23 MR. MURDZA: Objection to form --
24 MR. HALLAK: -- form the question.
25 A Correct.

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1 G. Pudles
2 Q Okay. Is that not part of the
3 job for AnswerNet or TPV.com?
4 A No. It is not part of the job
5 unless the client asks us to make it part
6 of the job.
7 Q Okay. And do you have any sense
8 of how long a typical door-to-door
9 enrollment takes?
10 MR. HALLAK: Objection to the form of
11 the question.
12 A Yeah. I -- I don't particularly
13 have a sense of how long an enrollment
14 takes -- the average enrollment takes --
15 not one that I could give across multiple
16 -- not one that I could give across the
17 business as a whole. I can tell you maybe
18 how long an average TPV might take, but
19 not the enrollment itself. We're not
20 involved -- we're -- we're generally only
21 involved in part of the enrollment
22 process, and that's the part that drives
23 the TPV.
24 Q Okay. So I'm going to share
25 another document. This is also uploaded,

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1 G. Pudles
2 this is Exhibit, shoot, 149. Yeah.
3 Exhibit 149. All right. Have you ever
4 seen this document before?
5 (Exhibit 149 was marked for
6 identification.)
7 A Nope.
8 Q Okay. So this is an
9 interrogatory answer that defendants
10 served on plaintiffs. I'm going to read
11 the last sentence here. "Defendants state
12 that the GPS coordinates contained in
13 defendant's enrollment records were
14 obtained through a platform created by
15 TPV.com that utilized Google Location
16 Services to attempt to capture the GPS
17 coordinates of sales agents, customers,
18 and service addresses." Is that -- I'm
19 going to state that defendants have
20 indicated that they rely on TPV.com to
21 collect GPS data; is that correct?
22 A Yes.
23 Q Okay. And that TPV.com used
24 Google Location Services; is that correct?
25 A Yes.

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1 G. Pudles
2 Q Okay. And is it fair for
3 plaintiff or anyone else in this case to
4 rely on Google Maps data to review the GPS
5 coordinates from the defendant's
6 enrollment records? Is that a valid way
7 of analyzing those records?
8 MR. MURDZA: Objection. Calls for
9 speculation.
10 MR. HALLAK: Objection to the
11 question as well.
12 THE WITNESS: So if you're asking
13 we're using Google data, so is it fair to
14 say that you can use Google Data to look
15 up things on Google -- on Google Maps? I
16 would say that would seem to make sense to
17 me.
18 BY MR. PRESTON:
19 Q Right. And so another way of
20 perhaps asking the same question that
21 won't draw an objection is would you
22 expect AnswerNet's GPS coordinates to
23 generally be consistent with Google Maps?
24 A Yes.
25 Q Okay. When did TPV.com start --

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<p>1 G. Pudles</p> <p>2 I've answered this already. Was</p> <p>3 collecting GPS coordinates for TPV --</p> <p>4 sorry, excuse me. Did defendants require</p> <p>5 TPV.com to collect GPS coordinates of</p> <p>6 these sales enrollments as part of the</p> <p>7 contract between TPV.com and Richmond Road</p> <p>8 Holdings?</p> <p>9 A Yes.</p> <p>10 Q Okay.</p> <p>11 A Well, let me just say we did it,</p> <p>12 I'm assuming it's part of the contract,</p> <p>13 but the contract itself would speak for</p> <p>14 itself.</p> <p>15 Q Okay.</p> <p>16 A I don't -- I don't want to speak</p> <p>17 to the contract, because I certainly</p> <p>18 haven't reviewed it and I certainly don't</p> <p>19 have it memorized.</p> <p>20 Q Okay. So I'm going to scroll</p> <p>21 down in the same contract and there's a</p> <p>22 document called Focus Location Services</p> <p>23 overview. Do you recognize this document?</p> <p>24 A I do.</p> <p>25 Q Okay. Whose document is this?</p> <p style="text-align: right;">Page 46</p>	<p>1 G. Pudles</p> <p>2 A Yep. Yes, it is.</p> <p>3 Q Is the past tense correct?</p> <p>4 A It is.</p> <p>5 Q Okay. So what does the Focus</p> <p>6 platform use now?</p> <p>7 A I believe it still uses Google</p> <p>8 Location Services.</p> <p>9 Q Okay. And this would've been</p> <p>10 correct in 2021?</p> <p>11 A I believe so, yes.</p> <p>12 Q Okay. How does the Focus</p> <p>13 platform collect Google Location Services</p> <p>14 GPS coordinates?</p> <p>15 A Generally, by, you know, using</p> <p>16 the GPS data from the mobile device as it</p> <p>17 says in the next part.</p> <p>18 Q Okay. And so how are those GPS</p> <p>19 coordinates transmitted to TPV.com?</p> <p>20 A So when the Focus application is</p> <p>21 open on the mobile device from different</p> <p>22 parts of the workflow of focus, it will</p> <p>23 grab the coordinates from the mobile</p> <p>24 device.</p> <p>25 Q So is there a separate mobile</p> <p style="text-align: right;">Page 48</p>
<p>1 G. Pudles</p> <p>2 Is this defendant's document, or</p> <p>3 AnswerNet's document, or TPV.com's</p> <p>4 document?</p> <p>5 A This is an Answer -- so I'm</p> <p>6 going call it -- AnswerNet is the brand</p> <p>7 upon which TPV.com operates.</p> <p>8 Q Sure.</p> <p>9 A So asking if it's an AnswerNet</p> <p>10 document or TPV.com, it is an AnswerNet</p> <p>11 document that -- that was created outside</p> <p>12 of the time period of this lawsuit.</p> <p>13 Q Well, it says created</p> <p>14 July 13, 2023 --</p> <p>15 A Correct.</p> <p>16 Q -- which is while this lawsuit</p> <p>17 was pending. Do you see that?</p> <p>18 A I do.</p> <p>19 Q Okay. And so I want to ask,</p> <p>20 there's a line here that I hope you can</p> <p>21 see, the Focus platform utilized Google</p> <p>22 Location Services to capture GPS</p> <p>23 coordinates?</p> <p>24 A Correct.</p> <p>25 Q Is that correct? Okay.</p> <p style="text-align: right;">Page 47</p>	<p>1 G. Pudles</p> <p>2 application called Focus, or is this done</p> <p>3 via HTTP?</p> <p>4 A Focus is a SaaS platform. And</p> <p>5 so it's not a -- it's a native mobile, but</p> <p>6 it's not a mobile platform and in terms of</p> <p>7 the way you're describing it. So what it</p> <p>8 is is it's a SaaS platform that looks on</p> <p>9 the device that it's been launched on to</p> <p>10 find the GPS coordinates that are showing</p> <p>11 on the device. Those coordinates are then</p> <p>12 -- are then converted some way I guess to</p> <p>13 -- to -- through the Google Location</p> <p>14 Services. So the Google Location Services</p> <p>15 are part of the -- are part of the SaaS</p> <p>16 platform, and it triggers a look up into</p> <p>17 the coordinates being shown on the device</p> <p>18 at the time of the workflow in which we</p> <p>19 are checking for those coordinates.</p> <p>20 Q Okay. It -- I guess I'm a</p> <p>21 little bit confused. You say it's a SaaS</p> <p>22 platform. Is that Software as a Service?</p> <p>23 A It is.</p> <p>24 Q Okay. And then, how is the</p> <p>25 Software as a Service accessed?</p> <p style="text-align: right;">Page 49</p>

1 G. Pudles
2 A The agent would bring it up
3 either on their mobile device or on their
4 computer depending on which channel
5 they're working in.
6 Q Okay. So they bring it up on
7 their computer. What application would
8 they use to bring it up and access the
9 Focus platform?
10 A They would bring up Focus like
11 they would bring up any SaaS platform like
12 Facebook, or Yahoo, or any other, you
13 know, web-based platform.
14 Q So they would be using some kind
15 of browser to interact with Focus?
16 A Correct.
17 Q Okay. And the GPS coordinates
18 would be transmitted via Google -- or
19 sorry, excuse me. The GPS coordinates
20 would be transmitted via the browser?
21 A Yes.
22 Q Okay. Do you know how the
23 browser collects the GPS coordinates?
24 MR. MURDZA: Objection, calls for
25 speculation.

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1 G. Pudles
2 THE WITNESS: I don't -- I'm not a
3 technician, so I don't know the technical
4 aspects of -- of grabbing the GPS.
5 BY MR. PRESTON:
6 Q Okay. It's, so you don't know
7 if it's like a JavaScript function or some
8 other internal --
9 A I believe the -- I believe
10 that's what we use Google -- Google
11 Location Services to do.
12 Q Okay.
13 A So I believe Google Location
14 Services will grab that data and -- and
15 bring it into the program.
16 Q Do you know if that data can be
17 falsified?
18 A I do.
19 Q Can it?
20 A Yes.
21 Q Okay. And do you know how it
22 can be falsified?
23 A There are a number of programs
24 which -- which will provide what's called
25 GPS -- GPS spoofing. So it will --

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1 G. Pudles
2 Q Okay.
3 A -- it will make the data on --
4 it'll make it appear that the data on the
5 phone is correct when it's not.
6 Q Okay. Is the -- at what points
7 in the transaction are GPS coordinates
8 collected?
9 A Generally, they're collected at
10 the start of the enrollment, at the -- at
11 the end of the enrollment, you know,
12 during the signature. I believe those
13 are, you know, the -- and it may also be
14 at the beginning of the enrollment. So at
15 the beginning of the enrollment, then it's
16 the -- I know it's the beginning of the --
17 the contract, and then it's at the signing
18 of the contract process.
19 Q Okay.
20 A To the extent they're using
21 Focus for -- for the contract.
22 Q How long have you --
23 A Go ahead.
24 Q How long have you known that GPS
25 coordinates could be spoofed?

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1 G. Pudles
2 A How long have I known? Since
3 approximately 1985 -- I'm sorry, 1995.
4 Q Okay. Okay. Was this a
5 well-known vulnerability in GPF -- excuse
6 me -- in GPS authentication?
7 A It's become a well-known -- it's
8 become a well-known vulnerability. It
9 wasn't back then.
10 Q How did you come to be aware of
11 it?
12 A Because I was part of a team
13 that won a pioneer preference from the FCC
14 to build one of the first all digital
15 wireless networks in the United States.
16 Q Okay.
17 A I was -- I was in the
18 engineering department of that effort.
19 Q Okay. Why -- when did it become
20 well known that GPS spoofing was a
21 vulnerability of GPS authentication
22 systems?
23 A I can't answer that, because I
24 left wireless -- you know, I left wireless
25 in 1996. No, I left wireless in -- yeah,

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<p>1 G. Pudles</p> <p>2 1996, and so I couldn't tell you that.</p> <p>3 But I can tell you that when I got into</p> <p>4 the -- when I acquired TPV.com, it was</p> <p>5 something that -- that was known and -- it</p> <p>6 was something that was known.</p> <p>7 Q Okay. I'm going to scroll down</p> <p>8 a little bit more. In Exhibit 149, you</p> <p>9 can see a sentence, "The GPS location for</p> <p>10 a customer is captured after accepting our</p> <p>11 terms and privacy on the landing page of</p> <p>12 our digital link." And a little bit</p> <p>13 further, "Additionally, we capture</p> <p>14 customer GPS location for signature</p> <p>15 capture. All GPS locations are captured</p> <p>16 and displayed on the event", and the event</p> <p>17 is capitalized. Can you tell me what an</p> <p>18 event is?</p> <p>19 A Yes. An event is the signature</p> <p>20 capture. The event is the -- the</p> <p>21 beginning, you know, whatever the event --</p> <p>22 event is defined as one of the parts of</p> <p>23 the workflow --</p> <p>24 Q Okay.</p> <p>25 A -- that requires the GPS</p> <p style="text-align: right;">Page 54</p>	<p>1 G. Pudles</p> <p>2 customer did complete a verification call,</p> <p>3 but when contacted with a follow-up call</p> <p>4 indicated that he did not recall a recent</p> <p>5 door-to-door visit, but did recall a phone</p> <p>6 call. This is only one customer claim and</p> <p>7 we understand it may not provide us a full</p> <p>8 picture, but with the information</p> <p>9 provided, it seems clear that at least</p> <p>10 some of this agent's door-to-door activity</p> <p>11 is not being conducted at the customer</p> <p>12 residence. And as a result, his badge is</p> <p>13 now deactivated." Do you see all that?</p> <p>14 A I see it.</p> <p>15 Q Okay. So I'd like to ask, what</p> <p>16 is AnswerNet's understanding of what</p> <p>17 happened with respect to those enrollments</p> <p>18 by that agent?</p> <p>19 A Well, what this shows me is how</p> <p>20 -- how integrity filled are -- Richmond</p> <p>21 Holdings is, because it appears that they</p> <p>22 made a determination that something may</p> <p>23 not have been right and they took solid</p> <p>24 action. That's what I read here. But I</p> <p>25 -- I have no opinion, because this is not</p> <p style="text-align: right;">Page 56</p>
<p>1 G. Pudles</p> <p>2 location to be captured.</p> <p>3 Q Okay. So I'm going to get</p> <p>4 another document in front of you. So this</p> <p>5 is a document called Exhibit 20. It's an</p> <p>6 email chain between defendants and</p> <p>7 Endurance. I want to ask, we provided</p> <p>8 this document before your deposition.</p> <p>9 Have you looked at this document</p> <p>10 previously?</p> <p>11 (Exhibit 20 was marked for</p> <p>12 identification.)</p> <p>13 A No.</p> <p>14 Q Okay. I want to scroll down,</p> <p>15 and I'm going to highlight a few sentences</p> <p>16 from this document. "Our quality</p> <p>17 assurance team has escalated this agent,</p> <p>18 Neil St. Louis. After review of recent</p> <p>19 sales activities, the agent has been</p> <p>20 deactivated. Two different customers have</p> <p>21 TPV entries, which showed GPS locational</p> <p>22 tracking, placing the agent in a city in</p> <p>23 Pakistan. Customer Cecil Jerome was</p> <p>24 enrolled yesterday, similarly, showed the</p> <p>25 agent in a different country. The</p> <p style="text-align: right;">Page 55</p>	<p>1 G. Pudles</p> <p>2 -- this is not having anything to do with</p> <p>3 AnswerNet, and I -- my opinion is</p> <p>4 irrelevant to the -- to this matter.</p> <p>5 Q Well, but defendant's action is</p> <p>6 based on GPS coordinates that AnswerNet</p> <p>7 collected.</p> <p>8 A Okay.</p> <p>9 Q Isn't that right?</p> <p>10 MR. HALLAK: Objection to form.</p> <p>11 A It would -- it would appear they</p> <p>12 got this information from -- from our TPV</p> <p>13 platform. So that's what, you know --</p> <p>14 that's what this letter says. I have no</p> <p>15 independent understanding of any of it</p> <p>16 other than the letter says that they did</p> <p>17 what I would consider to be the right</p> <p>18 thing.</p> <p>19 Q Okay. So in -- sorry.</p> <p>20 AnswerNet made this verification call to</p> <p>21 Cecil Jerome. Is that -- do you see where</p> <p>22 it says that?</p> <p>23 A I do.</p> <p>24 Q Okay.</p> <p>25 A Well, hold -- hold on one</p> <p style="text-align: right;">Page 57</p>

<p>1 G. Pudles</p> <p>2 second. Let me -- let me -- it doesn't --</p> <p>3 it -- it -- but it doesn't say that</p> <p>4 AnswerNet did the follow-up call. So I</p> <p>5 don't --</p> <p>6 Q No. I don't think -- did the</p> <p>7 follow-up call.</p> <p>8 A We -- we completed the</p> <p>9 verification call, but it doesn't say that</p> <p>10 we completed the follow-up call. So I</p> <p>11 want to be very careful about -- about my</p> <p>12 testimony, which is that I -- I believe</p> <p>13 that I know through counsel that we did do</p> <p>14 the -- the verification call that you --</p> <p>15 that you are referencing, but I don't</p> <p>16 believe -- I don't know whether we did the</p> <p>17 follow-up call. So I want to be very</p> <p>18 careful not to say we did, because I don't</p> <p>19 know -- I don't know that.</p> <p>20 Q I'm going to represent to you --</p> <p>21 A I'm -- I'm confused. Why are we</p> <p>22 talking door-to-door for a TCPA claim?</p> <p>23 But that's I guess none of my business.</p> <p>24 That doesn't make any sense at all. And</p> <p>25 by the way, that's -- that still doesn't</p> <p style="text-align: right;">Page 58</p>	<p>1 G. Pudles</p> <p>2 working on locking down.</p> <p>3 BY MR. PRESTON:</p> <p>4 Q When did it become a known</p> <p>5 problem?</p> <p>6 A It -- it's been a known problem</p> <p>7 since I was introduced to the industry a</p> <p>8 couple years ago.</p> <p>9 Q By 2021?</p> <p>10 A I first learned about the bigger</p> <p>11 problem at one of the conferences that I</p> <p>12 attended, and somebody got up and talked</p> <p>13 about the issues, and that's when it was</p> <p>14 brought to my attention.</p> <p>15 Q 2022?</p> <p>16 A I would say sometime in '22.</p> <p>17 Q Okay. Does AnswerNet do</p> <p>18 anything to detect or prevent these</p> <p>19 situations?</p> <p>20 A We have -- we recently deployed</p> <p>21 a couple of things to -- to hopes -- to --</p> <p>22 to try and put a stop to it.</p> <p>23 Q You mentioned a bigger problem</p> <p>24 that was discussed at a conference you</p> <p>25 attended. Can you explain what that</p> <p style="text-align: right;">Page 60</p>
<p>1 G. Pudles</p> <p>2 make any sense, but let's keep going.</p> <p>3 Q Well, the claim is that these</p> <p>4 people were making telemarketing calls and</p> <p>5 then convincing consumers to say that</p> <p>6 somebody met with them in person when in</p> <p>7 fact that was not the case.</p> <p>8 A Okay. Okay I guess. Okay, now</p> <p>9 I'll stop, because I'm a -- I go -- go</p> <p>10 ahead. It still doesn't make sense. But</p> <p>11 it -- but go ahead.</p> <p>12 Q Do -- has this situation where</p> <p>13 the customer -- the sales agent is not</p> <p>14 present with the customer ever happened</p> <p>15 previously?</p> <p>16 A Yes.</p> <p>17 Q Okay.</p> <p>18 A Yes.</p> <p>19 Q Does it happen a lot?</p> <p>20 A Does it happen a lot?</p> <p>21 MR. MURDZA: Objection to form. Who</p> <p>22 are you talking --</p> <p>23 THE WITNESS: Yeah, I -- I mean, it</p> <p>24 is a problem. It is a known problem in</p> <p>25 the industry that the industry is now all</p> <p style="text-align: right;">Page 59</p>	<p>1 G. Pudles</p> <p>2 bigger problem is?</p> <p>3 A Well, GPS spoofing as a whole is</p> <p>4 a -- has been a problem for the</p> <p>5 industry -- has been a problem for the</p> <p>6 industry.</p> <p>7 Q Okay. Do you have a sense of</p> <p>8 how long it's been a problem for the</p> <p>9 industry?</p> <p>10 A No, I don't.</p> <p>11 Q Okay. And so you indicated that</p> <p>12 you were -- AnswerNet had recently created</p> <p>13 procedures to stop this kind of problem.</p> <p>14 Can you tell me exactly what they're</p> <p>15 trying to stop?</p> <p>16 MR. MURDZA: Objection, misstates his</p> <p>17 testimony, but you can answer.</p> <p>18 THE WITNESS: We're trying to stop</p> <p>19 the ability of people to -- people to use</p> <p>20 spoof coordinates as part of the TPV</p> <p>21 process.</p> <p>22 BY MR. PRESTON:</p> <p>23 Q Okay. And how are you trying to</p> <p>24 stop it?</p> <p>25 A That's confidential business</p> <p style="text-align: right;">Page 61</p>

1 G. Pudles
2 information. I'm not going to reply to
3 that. We're using technology in different
4 forms of technology to stop that, but
5 that's confidential to our business,
6 because what we're about to --
7 Q Okay.
8 A -- what -- what we're about to
9 launch is going to be revolutionary.
10 Q Okay. So these are procedures
11 that are not yet on the market?
12 A Some are and some are not.
13 Q When the procedures -- let's
14 just talk about the procedures that are
15 now on the market. I don't think I need
16 to inquire into your, you know, future
17 business plans. But stuff that's already
18 on the market, when did it go on the
19 market?
20 A For us it was earlier this year.
21 I don't remember exactly.
22 Q Okay. Okay. Was AnswerNet
23 involved in any quality assurance process
24 with defendants with respect to any of the
25 customers identified in this email at

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1 G. Pudles
2 Exhibit 20?
3 A No.
4 Q Does AnswerNet ever get involved
5 in quality assurance processes with its
6 clients?
7 A Some clients have us do some
8 analysis, but generally that -- they do it
9 themselves, because this is obviously an
10 important issue to our clients. They hire
11 us because they want to be compliant and
12 they want to get the best information.
13 And so most of them will take that data
14 themselves and -- and react the way you
15 saw this client react, which is when
16 brought -- somehow when -- when --
17 whatever -- however they figured it out,
18 they took immediate and very decisive
19 action.
20 Q Okay. And so if AnswerNet
21 discovered in a verification call that a
22 customer -- sorry. If AnswerNet
23 discovered in a verification call that the
24 sales agent was not physically present
25 with the customer, but said it was a phone

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1 G. Pudles
2 call, that's something that would be
3 relayed to the client?
4 MR. MURDZA: Objection to form.
5 MR. HALLAK: Same.
6 A In this case, we weren't asked
7 to do this. Spring Energy never asked us
8 to do this. So the answer to that is we
9 didn't do it for this client.
10 Q Okay. Is that something that
11 AnswerNet ever does?
12 MR. MURDZA: Objection. Relevance.
13 We're here to talk about Spring Energy.
14 A Yeah, I -- I'm -- unless I'm an
15 -- I'm being asked to be an expert in TPV,
16 you know, again, I'm --
17 Q Well --
18 A -- I didn't want to be here for
19 the entire three hours. As you know, I
20 really didn't want to be here at all. So
21 let's -- let's stick to the facts that I
22 can give you and about the system, but I'm
23 not here --
24 A Sure.
25 A -- TPV police.

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1 G. Pudles
2 Q I understand. It goes to what
3 options and countermeasures were available
4 to the defendants at the time of these
5 events?
6 MR. MURDZA: Objection to relevance.
7 I mean, there's other TPV vendors, so the
8 whole universe is what's available to
9 Spring Energy. We'll talk about --
10 MR. PRESTON: Are you instructing him
11 not to answer?
12 MR. MURDZA: I am.
13 MR. PRESTON: On relevance?
14 MR. MURDZA: On relevance.
15 BY MR. PRESTON:
16 Q Okay. Outside of collecting
17 enrollment data, was AnswerNet involved in
18 hiring, vetting, or monitoring any of
19 defendant's sales agents?
20 A No.
21 Q Okay. Does AnswerNet make a
22 verification call for every enrollment?
23 A That we wouldn't -- I couldn't
24 tell you, because we only make
25 verification calls on enrollments that

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1 G. Pudles
2 come through our system or that are
3 presented to us.
4 Q Sure. Let me rephrase that.
5 Does AnswerNet make verification calls for
6 every enrollment that is made through the
7 TPV.com process?
8 A No.
9 Q When do they not make calls?
10 A When the call comes into us.
11 Q Oh. Okay. Okay. Is there a
12 script that AnswerNet uses for these
13 calls?
14 A When it -- when it requires an
15 agent, there is a script, yes.
16 Q Okay. And who provides those
17 scripts?
18 A In general terms, they're
19 jointly created between the customer and
20 our client solutions team.
21 Q Okay. So AnswerNet does make
22 calls -- outgoing verification -- excuse
23 me. AnswerNet does make outgoing
24 verification calls to potential enrollees;
25 correct?

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1 G. Pudles
2 A Correct.
3 Q Okay. Do you know the caller ID
4 that is used for those calls?
5 A Caller ID that is used in those?
6 No. I don't actually.
7 Q Let me ask another question that
8 might be a little bit more to the point --
9 A But I believe it's our -- it's
10 our caller ID, not the clients.
11 Q Okay. Does AnswerNet use Twilio
12 to make those calls?
13 A Sometimes.
14 Q Okay. Is there -- are there any
15 other platforms that are used to make
16 verification calls?
17 A Yes.
18 Q What are those platforms?
19 A The other platform we use is
20 called VCC, Virtual Call Center.
21 Sometimes we make calls on that platform
22 as well.
23 Q Is there a reason why you would
24 make a call on one platform versus the
25 other?

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1 G. Pudles
2 A Yes.
3 Q What is that reason?
4 A If -- it depends on what -- what
5 platform you're using at the time. Again,
6 I'm not going to sit here and explain my
7 business. If you want to talk about the
8 platform that was in use at the time of
9 your complaint, I'm happy to talk -- and
10 -- and what we use for -- for the time in
11 your complaint. But -- but seriously, we
12 -- we're an hour twenty into this and now
13 you're asking me to teach you about my
14 business, which is really not my purpose
15 here, please.
16 Q Sure. During the time of the
17 events in the complaint, what platforms
18 were used?
19 A By -- by the TPV.com group, it
20 was the Twilio platform.
21 Q Okay, perfect. Thank you. Did
22 AnswerNet do anything to detect or prevent
23 enrollments which are made by telephone
24 but where the sales agent coached the
25 customer to say they met the salesperson

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1 G. Pudles
2 in person?
3 MR. MURDZA: Objection to form.
4 MR. HALLAK: Objection to the form of
5 the question.
6 THE REPORTER: A double? Two
7 objections, Counsel? Thank you.
8 THE WITNESS: Stereo objections. So,
9 I'm sorry, could you ask the question
10 again with understanding there -- both --
11 both counsel object?
12 BY MR. PRESTON:
13 Q Sure. Yeah, yeah, yeah. Does
14 AnswerNet -- excuse me, let me back up.
15 Did AnswerNet do anything to detect or
16 prevent enrollments, which were -- were
17 made over the telephone, but where the
18 sales agent coached the customer to say
19 that they met with the sales agent in
20 person?
21 MR. HALLAK: I'll renew that
22 objection to the form of the question.
23 A And that's -- that's a question
24 that is -- that -- that assumes -- that
25 assumes something that I can't testify to.

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1 G. Pudles
2 So I'm going to say this, there are
3 certain, there were at the time certain
4 things that -- that the system looks for
5 certainly that would create alerts, and I
6 believe you have the alerts. So -- so
7 there are things that created alerts, but
8 in terms of what was done and how that was
9 done, our job was to collect data and
10 deliver it to the client. It was the
11 client -- and it -- and that was the
12 extent of what we were hired to do.
13 Q Okay. I think I have -- I
14 understand the position and what was done.
15 Make sure. 68. So I'm going to put an
16 exhibit in front of you. All right. So
17 I'm putting an exhibit in front of you.
18 Do you recognize the form of this exhibit?
19 (Exhibit 68 was marked for
20 identification.)
21 A No.
22 Q This does not look like a TPV
23 record?
24 A I -- I don't know that -- I
25 don't know what the document is.

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1 G. Pudles
2 MR. MURDZA: Take a minute to --
3 THE WITNESS: Well --
4 BY MR. PRESTON:
5 Q So at the very bottom, there's
6 a --
7 A Hold on. Hold on. Hold on one
8 second. Could -- yeah, this is -- this
9 comes out of Focus. This is a document
10 that comes out of Focus. I've never seen
11 the letter, but I know that it comes from
12 Focus.
13 Q Okay.
14 A I'm not familiar with the form,
15 but I do -- I do say that assuming this
16 document hasn't been altered, and I'm
17 assuming it hasn't, that this is a Focus
18 document.
19 Q Okay. This is the -- I'll
20 represent to you that this is the document
21 that -- as it was produced to us by
22 defendants.
23 A I -- I --
24 Q I want to ask you, this IP
25 address, do you know whose IP address this

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1 G. Pudles
2 is?
3 A This -- I -- I would -- I would
4 be guessing, but it's -- I would guess
5 that it's a service address. In fact, I'm
6 fairly certain that is the IP address of
7 the service address.
8 Q Okay. So it's the customer --
9 A No, no, no. I'm sorry. The IP
10 address -- yeah, IP address of -- of where
11 the contract was signed. That's what I
12 would say. That's -- that's the IP
13 address of where the -- where the sale was
14 consummate.
15 Q So this is the --
16 A And the -- right. So that's the
17 IP address of where -- where the signature
18 would've occurred and the GPS coordinates
19 would be I believe the service address.
20 Q Okay. So it's the customer's IP
21 address?
22 A Well, it -- it depends on
23 whether -- yes, if the customer came in
24 and did a TPV, but I -- I would venture to
25 say that it's the IP address of the device

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1 G. Pudles
2 that the customer would have signed if
3 it's a door-to-door activity.
4 Q Okay. Do you see this URL that
5 I've highlighted?
6 A You -- I'm an old dude. You're
7 going to have to make it much bigger than
8 that
9 Q Here.
10 A Yes.
11 Q Do you see it now?
12 A I do.
13 Q Okay. Do you know if this
14 document is still available on tpvhub.com?
15 A I -- I don't know when --
16 what -- 'cause I don't know when it's from
17 and I don't know what our record retention
18 agreement is with regard to the client
19 specifically, but I would say that -- but
20 I would say that the client would have it
21 if, you know -- it would've gone to the
22 client if -- if this -- and it's been
23 produced. So obviously it still exists,
24 but I don't know that it exists on the
25 system because we have very specific data

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1 G. Pudles
2 retention agreements with our clients.
3 Q Is it possible for you to copy
4 that URL and see if you can find that
5 record?
6 A Well, I'm -- I'm -- if you will
7 email it to counsel, I will double check
8 for that. I can't look it up myself right
9 now, but I'm -- I'm going to ask before I
10 agree to do that, you know, A, who's
11 paying for my time to do that? And B, you
12 have a document. If there's a -- a
13 purpose for me to -- to say yes or no that
14 it's there -- that it's still somewhere
15 you have it, and if you have it, then it
16 was given to you by counsel. So the
17 answer is I'm not going to go chasing
18 around.
19 I, you know -- I -- I agreed to
20 three hours, and we've already -- we've
21 already over -- overspent time. So the
22 answer is I could see it, but I'm not
23 going to offer to do that unless you're
24 going to offer to pay my team for my time
25 to do that.

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1 G. Pudles
2 Q Okay. I mean, the issue of
3 payment is still open, and I've sent the
4 URL around, but you know -- what kind of
5 server is that client.tpvhub.com?
6 A What kind of server is that
7 today? Quite frankly --
8 Q For your business --
9 A -- but I would say it's an AWS
10 server. But -- but quite frankly, I'm
11 getting really tired. I really am. I'm
12 getting really tired of you showing me
13 things, 'cause I looked at the date of
14 this and that date -- that date is after
15 the time -- it's maybe inside of the
16 lawsuit, but it's outside of the time of
17 your complaint. We're going round and
18 round on a TCPA question that has nothing
19 to do with door-to-door.
20 Q Sir, you're --
21 A I'm -- I'm really -- I -- I have
22 to tell you I'm -- I'm getting frustrated.
23 So the answer is -- the answer is it's --
24 today we have servers that were different
25 than then, and let's move on.

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1 G. Pudles
2 Q Can you tell me what kind of
3 servers were in place in 2021?
4 A No. Other than just say
5 cloud-based servers likely in AWS. That's
6 all I can tell you.
7 Q Okay. All right. So I've
8 uploaded another document. And I'll share
9 it. So this is a -- it's an email, but it
10 has attached a bunch of garbage of how
11 that happened.
12 (Exhibit 153 was marked for
13 identification.)
14 But get to the relevant point
15 very quickly. So this is the Spring
16 door-to-door easy TPV user guide. Do you
17 recognize this document?
18 A I do.
19 Q Okay. Did AnswerNet have any
20 involvement in creating this document?
21 A Depends on what the date of this
22 document is.
23 Q Well, it would be in 2021. So I
24 guess my question is probably better
25 framed as did TPV.com have any role in

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1 G. Pudles
2 creating this document?
3 A I would believe that TPV --
4 again, not knowing what -- not knowing
5 when it was created, it is likely -- it --
6 it appears to be a TPV.com document.
7 Q Okay. This sentence, it says,
8 "Yes, it is optimized for your mobile
9 device. What does optimized mean here?
10 A Optimized means that when you
11 use the right technology, it will show up
12 on a mobile device properly so that it is
13 readable on a mobile device, it is usable
14 on a mobile device. So if you don't use
15 the right technology, then when you bring
16 it up on a mobile device, it will have bad
17 margins, the pictures might not render
18 properly, et cetera. It was always
19 contemplated that this would be mobile and
20 mobile optimized.
21 Q Okay. So what do you mean by
22 the right technology?
23 A There are many ways to build
24 websites and -- and sites visible on the
25 web with data, pictures, et cetera. And

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<p>1 G. Pudles</p> <p>2 some of those technologies allow you to --</p> <p>3 do not -- do not render well on a mobile</p> <p>4 device, and some of them do allow you to</p> <p>5 render well on a mobile device. So for</p> <p>6 example, traditional HTML doesn't always</p> <p>7 come out well on a mobile device, but if</p> <p>8 you use a framework like Ruby on Rails or</p> <p>9 certain higher end HTML type platforms,</p> <p>10 you're able to -- you're able to grab</p> <p>11 that, and when somebody opens it on a</p> <p>12 mobile device, it renders properly so the</p> <p>13 information can be read, you can go from</p> <p>14 page to page, and -- and the -- the kinds</p> <p>15 of features that well running websites</p> <p>16 have, will be -- will be available to you</p> <p>17 on the mobile device.</p> <p>18 Q And I think I know the answer,</p> <p>19 but you know, it's a deposition, I got to</p> <p>20 get the record right. Why is it important</p> <p>21 that it renders well on a mobile device?</p> <p>22 A So that it makes it easier for</p> <p>23 both the sales agent and the consumer to</p> <p>24 see what they're doing, what they're</p> <p>25 signing, what they're agreeing to, to make</p> <p style="text-align: right;">Page 78</p>	<p>1 G. Pudles</p> <p>2 be placed to the customer to complete</p> <p>3 verbal confirmation with a live agent</p> <p>4 confirming enrollment. Upon successful</p> <p>5 completion of a live TPV call, the</p> <p>6 customer will receive a copy of their</p> <p>7 digital contract and transcript of their</p> <p>8 digital form via email or text." How</p> <p>9 often was this post verification call,</p> <p>10 text, or email sent by TPV.com?</p> <p>11 MR. MURDZA: Objection, form.</p> <p>12 A During the -- to my knowledge,</p> <p>13 every time a successful TPV call was</p> <p>14 completed, it was sent.</p> <p>15 Q Okay.</p> <p>16 A We got -- we got consent of the</p> <p>17 consumer to send it, and we sent it.</p> <p>18 Q Okay. And did you keep records</p> <p>19 of what kind of consent was given?</p> <p>20 Because -- well, let me back up. So when</p> <p>21 the consumer gets a text, the text has a</p> <p>22 link to where they're supposed to sign; is</p> <p>23 that correct?</p> <p>24 A If you want me to talk about</p> <p>25 specifically the -- the issue -- you know,</p> <p style="text-align: right;">Page 80</p>
<p>1 G. Pudles</p> <p>2 sure that things can't be hidden because</p> <p>3 of the way the -- the way the -- the</p> <p>4 platform operates on the mobile device.</p> <p>5 Q All right. Because it's</p> <p>6 essential that they're looking at -- it's</p> <p>7 likely that the sales agent is looking at</p> <p>8 it via a mobile device, and it's important</p> <p>9 that if the customer is that they can see</p> <p>10 everything; is that accurate?</p> <p>11 MR. MURDZA: Objection. Objection,</p> <p>12 form.</p> <p>13 MR. HALLAK: Same objection.</p> <p>14 A Yes.</p> <p>15 Q So is there a dashboard for</p> <p>16 enrollments -- enrollment records on</p> <p>17 tpvhub.com?</p> <p>18 A There is a portal where</p> <p>19 enrollment records can be accessed during</p> <p>20 the time that this lawsuit -- the</p> <p>21 activities of this lawsuit are around,</p> <p>22 yes.</p> <p>23 Q Okay. Let's scroll down.</p> <p>24 Customer summary. So there's -- you'll</p> <p>25 see I'm highlighting a "outbound call will</p> <p style="text-align: right;">Page 79</p>	<p>1 G. Pudles</p> <p>2 the -- the transactions at issue, I'm</p> <p>3 happy to, but --</p> <p>4 Q Yes.</p> <p>5 A -- what I'll tell you is that</p> <p>6 sometimes, you know, that -- that -- the</p> <p>7 -- they would get a text or we would make</p> <p>8 an outbound call to run through what they</p> <p>9 had. By the time we ran -- we made the</p> <p>10 outbound call, they would have generally</p> <p>11 already signed the enrollment.</p> <p>12 Q Oh, okay. That's an important</p> <p>13 distinction that I didn't understand. How</p> <p>14 were those signatures collected during</p> <p>15 this time period?</p> <p>16 A By the sales rep in the Focus</p> <p>17 application.</p> <p>18 Q So the sales rep would hand them</p> <p>19 the document and they would sign -- hand</p> <p>20 them the mobile device and they would</p> <p>21 sign?</p> <p>22 A Or -- or if they were -- or if</p> <p>23 they were telemarketing, they would've</p> <p>24 sent them a link.</p> <p>25 Q Okay. So this -- the link in</p> <p style="text-align: right;">Page 81</p>

1 G. Pudles
2 the email is really for telemarketing, not
3 for door-to-door sales?
4 MR. MURDZA: No --
5 MR. HALLAK: Objection, form.
6 THE WITNESS: Sorry.
7 MR. PRESTON: Okay.
8 THE WITNESS: Did you -- you get the
9 objection, Mr. Court Reporter?
10 MR. PRESTON: Always --
11 THE REPORTER: Thank you. I was
12 going to interrupt after. I appreciate
13 that. That -- was that both?
14 MR. MURDZA: Yes.
15 THE REPORTER: Thank you. Two
16 objections.
17 MR. MURDZA: Yeah.
18 THE REPORTER:
19 THE WITNESS: Stereo -- stereo
20 objections, and it's both. It's -- it's
21 both. The transaction happens -- in a
22 way, the transaction always happens over
23 the web.
24 BY MR. PRESTON:
25 Q Okay.

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1 G. Pudles
2 A The transaction's always
3 happening over the web, because it's a
4 SaaS application that's capturing the data
5 and do -- and managing the workflow.
6 Q Okay. Is there a situation
7 where a door-to-door sales agent would be
8 using a desktop computer to do either the
9 enrollment or any of the follow-up work
10 that's involved in the process?
11 MR. MURDZA: I'm going to object,
12 because it calls for speculation. He's
13 already testified that AnswerNet doesn't
14 employ or direct the door-to-door sales --
15 A Yeah. We're not in the door to todo
16 business, Counsel. And again, I can
17 testify to what -- what I know and what I
18 believe, but, you know, I'm --
19 Q Okay. Does AnswerNet screen for
20 non-fixed VoIP numbers that are used in
21 the enrollment process?
22 A Yes.
23 Q Okay. And why does it do that?
24 A Because the use of a VoIP number
25 can often indicate fraud.

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1 G. Pudles
2 Q Okay. So there is some
3 screening that AnswerNet does to avoid
4 fraud; correct?
5 A There are some screening that
6 AnswerNet does that does -- yes, that is
7 correct.
8 Q Okay. So what data is screened
9 to detect fraud by AnswerNet during this
10 time -- during, you know, spring of 2021?
11 A Without -- without having
12 something in front of me, I know that we
13 do VoIP numbers. I -- I know that -- I
14 know that there's a few, and I -- and I
15 can't tell you -- I don't have the
16 entirety of the process memorized, but
17 there were things that -- that the client
18 will say, if this is -- so, for example,
19 one of the things that we would do for a
20 door-to-door person is if they -- and --
21 and I don't know the numbers -- but if we
22 saw a door-to-door sales agent making
23 sales -- sales too rapidly, that would
24 lead you to believe that they're
25 potentially a problem. And -- and these

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1 G. Pudles
2 are the things on the -- what you have on
3 the -- on the alerts.
4 So if you look on the alerts and
5 if you -- if you'd like -- if you'd like
6 to bring up the alert page that I know you
7 have or a document about the alerts, I'm
8 happy to go through them, and tell -- and
9 -- and testify as to the alerts.
10 Q Okay. I'm going to tell you I'm
11 not sure exactly which alerts you're
12 talking to, but -- talking about rather,
13 but my next question is does TPV.com
14 screen for VPNs?
15 A Yes, we do. We didn't then. We
16 do now.
17 Q Okay. When did it start
18 screening for VPNs?
19 A Earlier this year.
20 Q I see. Was there a reason why
21 AnswerNet did not screen for VPN use prior
22 to 2024?
23 A Yes.
24 Q What was that reason?
25 A Wasn't part of our technology

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<p>1 G. Pudles</p> <p>2 stack.</p> <p>3 Q Okay. Can sales agents access</p> <p>4 Easy TPV in the desktop mode?</p> <p>5 A Yes.</p> <p>6 Q I mean, is that a possibility?</p> <p>7 They can?</p> <p>8 A Yes.</p> <p>9 Q Okay. Can door-to-door sales</p> <p>10 agents access Easy TPV in the desktop</p> <p>11 mode?</p> <p>12 A I couldn't tell you, because I</p> <p>13 don't know about door -- you know, where</p> <p>14 -- how door-to-door agents access and what</p> <p>15 they use to access.</p> <p>16 Q Okay. Does AnswerNet keep track</p> <p>17 of the user agent that's transmitted over</p> <p>18 HTTP?</p> <p>19 A I have no idea what you just</p> <p>20 said.</p> <p>21 Q So part of what's collected over</p> <p>22 HTTP can be a set of data that's generally</p> <p>23 referred to as user agent, which involves</p> <p>24 the kind of browser and then some</p> <p>25 information about the -- you know, maybe</p> <p style="text-align: right;">Page 86</p>	<p>1 G. Pudles</p> <p>2 BY MR. PRESTON:</p> <p>3 Q I think you indicated -- you</p> <p>4 referred me to a different document,</p> <p>5 Mr. Pudles, and I appreciate that and</p> <p>6 we'll probably get to that document a</p> <p>7 little bit later. But I wanted to ask</p> <p>8 whether or not sitting here as you are</p> <p>9 today, do you know if AnswerNet collected</p> <p>10 that information in 2021?</p> <p>11 A Not without seeing the documents</p> <p>12 that I referenced earlier.</p> <p>13 Q Okay. So I've placed another</p> <p>14 exhibit online, and I'm displaying it,</p> <p>15 it's Exhibit 154. There's a list of</p> <p>16 telephone numbers that I've highlighted.</p> <p>17 Do you see those telephone numbers?</p> <p>18 (Exhibit 154 was marked for</p> <p>19 identification.)</p> <p>20 A I do.</p> <p>21 Q What are these telephone numbers</p> <p>22 used for?</p> <p>23 A I -- I believe they are -- I</p> <p>24 don't know every telephone number we use</p> <p>25 for TPV, so I -- I would have to see</p> <p style="text-align: right;">Page 88</p>
<p>1 G. Pudles</p> <p>2 the computer that they're using, and it</p> <p>3 might also include whether or not it's a</p> <p>4 desktop or a mobile. And so my question</p> <p>5 is, does AnswerNet collect that kind of</p> <p>6 information regarding door-to-door sales</p> <p>7 agents?</p> <p>8 A You have a -- a report that you</p> <p>9 actually I believe attached to -- I was</p> <p>10 told, I did not see it -- that you</p> <p>11 attached to the -- some -- some legal</p> <p>12 document that shows you what we collect --</p> <p>13 or what we collected during that period.</p> <p>14 If you want to bring that document up, we</p> <p>15 can go through what the -- what the</p> <p>16 columns mean, if that's -- if that's</p> <p>17 helpful to you.</p> <p>18 Q Okay. Let's --</p> <p>19 MR. PRESTON: Mr. Bekman, can you</p> <p>20 read that last question back?</p> <p>21 THE REPORTER: Oh, yes, Counsel.</p> <p>22 Counsel, give me one second.</p> <p>23 (The reporter repeated the</p> <p>24 record as requested.)</p> <p>25 //</p> <p style="text-align: right;">Page 87</p>	<p>1 G. Pudles</p> <p>2 something else. I believe they are phone</p> <p>3 numbers that we use for doing TPV, but you</p> <p>4 know, without seeing something else, we</p> <p>5 have -- we have literally tens of</p> <p>6 thousands of phone numbers that we operate</p> <p>7 across all my companies, and I don't have</p> <p>8 personal knowledge of any one of them.</p> <p>9 Q Sure. Are there telephone</p> <p>10 numbers that sales agents use to call</p> <p>11 TPV.com?</p> <p>12 A Yeah, during the time there were</p> <p>13 certainly telephone numbers that sales</p> <p>14 agents used to call TPV.com.</p> <p>15 Q Okay. And what were those</p> <p>16 telephone numbers -- what did they call</p> <p>17 about? What was the purpose of those</p> <p>18 telephone numbers?</p> <p>19 A Generally, for a TPV or --</p> <p>20 generally, they were either a TPV or they</p> <p>21 were to -- to start a conference call to</p> <p>22 bring the -- the consumer in. So there</p> <p>23 are -- there are a number of things that</p> <p>24 we do, but you know, either they were for</p> <p>25 a sales agent to call in and then we would</p> <p style="text-align: right;">Page 89</p>

1 G. Pudles
2 dial out to the consumer and bring them
3 into a call or -- or something like that
4 throughout the process.
5 Q So they were used for enrollment
6 purposes?
7 A They were used for TPV purposes.
8 Q Sorry. They were used to
9 initiate a verification call?
10 A Correct.
11 Q Okay. Are those calls recorded?
12 A Yes.
13 Q Do you know roughly how long
14 those calls -- recorded calls are kept?
15 A I don't.
16 Q Okay. I'm going to add another
17 document. So document 46 -- Exhibit 46 is
18 a certificate of authenticity, and it's
19 essentially the response to a subpoena
20 that we served on TextNow for call records
21 associated with one of the sales agents
22 involved in this case. And if you'll
23 scroll down, you can see there's calls to
24 some of these TPV numbers in May, also in
25 March. And there's a -- in fact an

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1 G. Pudles
2 outgoing call from AnswerNet or TPV.com to
3 this telephone number that was used by the
4 sales agent here. Is it possible to get
5 these documents -- these recordings?
6 (Exhibit 46 was marked for
7 identification.)
8 A First of all, I don't know who
9 TextNow is.
10 Q Sure.
11 A And -- and again, any documents
12 or recordings that we had were turned over
13 to Spring, and they would've delivered --
14 if they exist, they would've delivered
15 them to you, because this document doesn't
16 look like anything I've seen. It's also
17 prior to when I purchased the company, and
18 it -- which, yeah. So on almost every
19 level, I can't testify to this document or
20 the authenticity of any part of it.
21 Q Okay. I understand that. But
22 it does show calls from a sales agent to
23 AnswerNet, and that's my question is --
24 MR. MURDZA: Objection --
25 A No. No, it -- no, it doesn't.

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1 G. Pudles
2 It shows a -- a series of numbers. I
3 don't know what it shows. And this was --
4 again, this was prior to the time of
5 AnswerNet acquiring TPV.com, LLC. So it
6 doesn't show any calls to AnswerNet. It
7 shows calls to tpvllc.com -- TPV.com, LLC
8 before AnswerNet acquired the company.
9 And I don't even know what they are,
10 because quite frankly, I don't know who
11 TextNow is.
12 Q Okay. So prior to this
13 deposition, we served some exhibits on
14 your counsel. There was an Exhibit 21 and
15 exhibit 23. Did you look at any of those
16 documents?
17 A I looked at some documents prior
18 to this deposition, yes.
19 Q Okay. All right. Is this one
20 of the documents you looked at?
21 (Exhibit 21 was marked for
22 identification.)
23 A No, but I looked at -- I looked
24 at some raw data that could certainly --
25 it certainly -- this -- I'm trying to

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1 G. Pudles
2 remember if I saw this particular one, but
3 I did look at some raw data that -- that
4 looks very similar in terms of some of the
5 stuff that's here.
6 Q Okay. So this is -- I want to
7 be clear, this is Exhibit 21, and it's a
8 list of confirmation codes where there's
9 distances involved between various GPS
10 coordinates, which were identified to be
11 problematic by the defendants. And I'm
12 going to show you another document.
13 Exhibit 23. All right. So this is
14 another list of documents -- another list
15 of confirmation codes which show similar
16 distances, but they occurred earlier than
17 the confirmation codes listed in Exhibit
18 21. Do you see that?
19 (Exhibit 23 was marked for
20 identification.)
21 A I -- I see -- I see these
22 documents, and they are -- they say they
23 are -- you know, they are what they are.
24 Q Okay.
25 MR. HALLAK: Just objection to the

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<p>1 G. Pudles</p> <p>2 form of the question and any</p> <p>3 characterization of the defendants within</p> <p>4 the question you had.</p> <p>5 MR. PRESTON: Okay. I mean, I guess</p> <p>6 we can go back to Exhibit 50. I think</p> <p>7 what I'd like to do is go off the record</p> <p>8 for about five minutes to give Mr. Pudles</p> <p>9 some time to look through two other</p> <p>10 exhibits which are uploaded to the Google</p> <p>11 Drive. Those are Exhibits 104 and in</p> <p>12 particular Exhibit 105. And I think those</p> <p>13 are the distance reports that you've been</p> <p>14 referencing. And if you could, you know,</p> <p>15 take a look at those spreadsheets and</p> <p>16 confirm to yourself that the distances</p> <p>17 involved and the other GPS data is</p> <p>18 truthful and a correct representation of</p> <p>19 what's in -- that Exhibits 21 and 23 are a</p> <p>20 truthful representation of the GPS data</p> <p>21 that's in Exhibits 105. Does that sound</p> <p>22 fair?</p> <p>23 MR. MURDZA: Well, I'm going to --</p> <p>24 no, I want to object. We're not going to</p> <p>25 go off the record. If there's going to be</p> <p style="text-align: right;">Page 94</p>	<p>1 G. Pudles</p> <p>2 here, because again, none of this has</p> <p>3 anything to do with a TCPA claim. Okay.</p> <p>4 Now, to the extent that what you want me</p> <p>5 to testify to is that there's -- there is</p> <p>6 7,145 miles between the customer and --</p> <p>7 and an activity done by the sales agent, I</p> <p>8 -- so far that I know of, Mr. Preston, you</p> <p>9 haven't lied to me yet, so if you tell me</p> <p>10 that that document -- I can't testify to</p> <p>11 it. If you tell me that document</p> <p>12 represents a summary of the raw data and</p> <p>13 you want me to see that there's a 7,100</p> <p>14 distance, I can tell you that if that's</p> <p>15 what I see on that record, and if it was</p> <p>16 based on records out of Focus, it's</p> <p>17 probably correct.</p> <p>18 BY MR. PRESTON:</p> <p>19 Q Okay. I'm going to ask you to</p> <p>20 turn to Exhibit 79 that's in the Google</p> <p>21 Drive.</p> <p>22 MR. MURDZA: Are you able to share</p> <p>23 this exhibit, or can someone -- so we're</p> <p>24 all looking at the same part of the</p> <p>25 exhibit, please?</p> <p style="text-align: right;">Page 96</p>
<p>1 G. Pudles</p> <p>2 questions about the documents, we can put</p> <p>3 them in front of Mr. Pudles and he can</p> <p>4 answer questions, but we're not going to</p> <p>5 endeavor to do some sort of work</p> <p>6 reconciling the raw data to these reports.</p> <p>7 And again, I want to represent at least</p> <p>8 this report, the one you currently have on</p> <p>9 the screen has creation dates prior to</p> <p>10 Cerida's purchase of TPV.com.</p> <p>11 So again, the records speak for</p> <p>12 themselves. We can talk to the records if</p> <p>13 they're up on the screen, but we're not</p> <p>14 going to undertake a process whereby he</p> <p>15 goes off the record and performs work to</p> <p>16 reconcile the numbers here. And</p> <p>17 furthermore, we're two hours in to the</p> <p>18 three hour deposition. We have a hard</p> <p>19 stop at 1. So I just want to point that</p> <p>20 out as well.</p> <p>21 MR. PRESTON: And you're taking time</p> <p>22 with these objections, so, but go on.</p> <p>23 THE WITNESS: I -- I -- okay. I --</p> <p>24 I'm going to -- I -- I -- I'm really --</p> <p>25 I'm -- I'm really trying to be patient</p> <p style="text-align: right;">Page 95</p>	<p>1 G. Pudles</p> <p>2 MR. PRESTON: I can.</p> <p>3 THE WITNESS: And -- and let me say</p> <p>4 three hours is three hours. I -- I, you</p> <p>5 know -- and I'm going to need a -- a</p> <p>6 nature break. Three hours is three hours.</p> <p>7 Objections are a natural part of a</p> <p>8 deposition. So please keep that in mind</p> <p>9 as you consider the -- the remaining hour</p> <p>10 and at least the 10 minutes I'm going to</p> <p>11 need --</p> <p>12 BY MR. PRESTON:</p> <p>13 Q I'm grateful for -- but let's</p> <p>14 focus on this exhibit. As you point out</p> <p>15 time is of the essence. All right. So</p> <p>16 this is an exhibit that reflects a series</p> <p>17 of confirmation codes and GPS data, which</p> <p>18 is from Exhibit 104. And there are one,</p> <p>19 two, four pairs of confirmation codes.</p> <p>20 And the four pairs show confirmations or</p> <p>21 enrollments within close proximity to each</p> <p>22 other by time. And then, we're going to</p> <p>23 scroll and you can see there's a</p> <p>24 confirmation, the next page of --</p> <p>25 paragraph of Exhibit 79 shows enrollments</p> <p style="text-align: right;">Page 97</p>

<p>1 G. Pudles</p> <p>2 that are about 15 minutes apart, but</p> <p>3 they're also 170 -- sorry -- 137 miles</p> <p>4 apart. Do you see that?</p> <p>5 A I do.</p> <p>6 Q And I'll represent that the rest</p> <p>7 of the Google Maps in these exhibits</p> <p>8 present similar pairs of enrollments where</p> <p>9 there's probably not enough time to get</p> <p>10 between these two confirmation codes --</p> <p>11 the service addresses for these two</p> <p>12 confirmation codes. Do you see that?</p> <p>13 A I do.</p> <p>14 Q Okay. Do you have a sense of</p> <p>15 how this enrollment activity was done</p> <p>16 given the distances and the times</p> <p>17 involved?</p> <p>18 A I -- I don't have a -- I -- I</p> <p>19 don't have a sense. I don't --</p> <p>20 MR. HALLAK: Objection to the form of</p> <p>21 the question as well. Thank you.</p> <p>22 THE WITNESS: Yeah, I don't have a</p> <p>23 sense of -- I know that the system grabbed</p> <p>24 the data that it had available to it, and</p> <p>25 the data is the data.</p> <p style="text-align: right;">Page 98</p>	<p>1 G. Pudles</p> <p>2 some more documents. So I'm going to</p> <p>3 start -- I'm going to upload a audio file.</p> <p>4 It's a verification call recording,</p> <p>5 Exhibit 155, and we're going to play it.</p> <p>6 And I'm going to ask some questions about</p> <p>7 TPV.com's verification processes. They're</p> <p>8 pretty short.</p> <p>9 (Exhibit 155 was marked for</p> <p>10 identification.)</p> <p>11 (Audio played.)</p> <p>12 I'm going to cut it off there.</p> <p>13 So did you hear the verifier asked</p> <p>14 Ms. [REDACTED] to confirm that she met with a</p> <p>15 Spring Power & Gas representative that</p> <p>16 day? Did you hear that?</p> <p>17 A I did.</p> <p>18 MR. HALLAK: Object to the form of</p> <p>19 the question.</p> <p>20 BY MR. PRESTON:</p> <p>21 Q Okay. And Ms. [REDACTED] responded</p> <p>22 that they weren't there. Did you hear</p> <p>23 that?</p> <p>24 MR. HALLAK: Same objection, and then</p> <p>25 mischaracterization of the content of the</p> <p style="text-align: right;">Page 100</p>
<p>1 G. Pudles</p> <p>2 BY MR. PRESTON:</p> <p>3 Q Okay. So given that answer, do</p> <p>4 you have a sense of whether or not the</p> <p>5 data is accurate?</p> <p>6 A If you're asking me my opinion,</p> <p>7 my opinion is irrelevant. I'm not an</p> <p>8 expert. I can tell you the data is the</p> <p>9 data. I have faith that the data</p> <p>10 collected was -- was collected by the</p> <p>11 system. My job's not to give you an</p> <p>12 opinion or -- of -- of the data that we --</p> <p>13 that -- that the -- that my client has</p> <p>14 provided you from our system.</p> <p>15 Q Okay. If the data is accurate,</p> <p>16 how did these sales agents appear at these</p> <p>17 two different sales addresses in such</p> <p>18 short period of time?</p> <p>19 MR. MURDZA: Objection. If you know,</p> <p>20 you can answer, but --</p> <p>21 THE WITNESS: I wouldn't -- I</p> <p>22 wouldn't know.</p> <p>23 BY MR. PRESTON:</p> <p>24 Q Okay. I have just a few more</p> <p>25 questions. I'm going to start producing</p> <p style="text-align: right;">Page 99</p>	<p>1 G. Pudles</p> <p>2 recording.</p> <p>3 A I -- I heard -- I heard the --</p> <p>4 the question and answer.</p> <p>5 Q Okay. What was the answer?</p> <p>6 A I couldn't hear it well, but I'm</p> <p>7 -- I -- I think it was some sort of</p> <p>8 negative.</p> <p>9 Q Okay. And then did you hear</p> <p>10 what the verifier said next?</p> <p>11 A I -- something -- she ended the</p> <p>12 call because -- because it -- it -- they</p> <p>13 weren't -- the -- the consumer -- she</p> <p>14 ended the call.</p> <p>15 Q Okay. Let's go back and listen</p> <p>16 to this again.</p> <p>17 (Audio played.)</p> <p>18 So you heard the verifier ask if</p> <p>19 she met with a representative of Spring</p> <p>20 Power; correct?</p> <p>21 A I -- I did.</p> <p>22 Q Okay. And you heard the</p> <p>23 customer say, "nope, they weren't here";</p> <p>24 correct?</p> <p>25 A It sounded like that. It was</p> <p style="text-align: right;">Page 101</p>

1 G. Pudles
2 really hard to hear, and I'm not just
3 being a knucklehead. I -- I just -- it
4 was really hard to hear on this speaker,
5 but I -- it sounded some -- sounded like
6 that, yes, Mr. Preston.
7 Q Well, if --
8 MR. HALLAK: I'll note my objection,
9 so hold on one sec, Ethan, that the
10 recording speaks for itself.
11 BY MR. PRESTON:
12 Q Okay. Then we're going to
13 listen to the last part of the call.
14 (Audio played.)
15 So the verifier response by
16 saying we will mark this call as customer
17 needs clarification. Did you hear that?
18 A I did.
19 Q Okay. Why did she mark it as
20 customer needs clarification?
21 A Because that would've been the
22 rule that the client told us to do when a
23 door-to-door client said that the -- the
24 door-to-door person wasn't there.
25 Q Okay. How would that rule have

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1 G. Pudles
2 been communicated to TPV.com?
3 A Any number of ways. So I -- I
4 can't tell you how this one was, but it
5 would've been -- it -- it would've been at
6 any time during the process, because the
7 relationship with the -- with Spring
8 Energy is an iterative one. It is one in
9 which as things come up and as -- as their
10 business and their compliance team hears
11 things and does things. So if it's a
12 door-to-door situation and the person --
13 the consumer says, no, I didn't do it, you
14 know, Spring Energy has no -- has no
15 interest, and I know this for a fact --
16 has no interest in -- in slamming clients.
17 So that's -- so in this case -- I know
18 that in that case, their instructions to
19 us were stop the verification, because
20 it's not a good sale.
21 Q Sure. But then she says it
22 marks the call as needs clarification,
23 which might just generate another
24 enrollment. And so I guess my question is
25 why is it marked as needs clarification as

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1 G. Pudles
2 opposed to, you know, sales agent not
3 present?
4 MR. HALLAK: Objection to the form of
5 the question.
6 MR. MURDZA: Objection to the form.
7 A So what the agent said and what
8 the system takes down and delivers may not
9 be exactly the same. So there may be
10 language in a script that is different
11 from the activity in the word processing
12 system. So that must have been in the
13 script as a response should she -- should
14 a -- should a TPV agent get the response
15 that they need. Right? So if the TPV
16 agent gets the response that she got, that
17 would be the verbal response, but that
18 doesn't mean that that's what she wrote
19 down or how she dispositioned the TPV.
20 Q Okay. I am going to open
21 Exhibit 105.
22 (Exhibit 105 was marked for
23 identification.)
24 A While you're opening exhibits,
25 I'd like to take five. I need to -- a

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1 G. Pudles
2 nature break, please.
3 MR. PRESTON: Okay. We can go off
4 the record.
5 THE REPORTER: Okay. The time is
6 12:13 p.m. Off the record.
7 (Off the record.)
8 THE REPORTER: All right. The time
9 is 12:20 p.m. On the record.
10 BY MR. PRESTON:
11 Q All right. So we just listened
12 to a recording that was -- get it in front
13 of me -- marked as Exhibit 155. I'm going
14 to go back to Exhibit 105, which is some
15 TPV.com data. I'm going to highlight to
16 you the confirmation call associated with
17 the recording at Exhibit 155. Can you see
18 my screen?
19 A I can --
20 Q Okay. Can you see it has the
21 name that was used in the recording?
22 A Yes.
23 Q Okay. And can you see it was
24 marked as no sale, customer needs
25 clarification?

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1 G. Pudles
2 A Yes.
3 Q Okay. Going to play another
4 recording, and we're actually almost,
5 almost done. This is another recording
6 from that time period. Play this as well.
7 (Exhibit 156 was marked for
8 identification.)
9 (Audio played.)
10 All right. Did you hear that
11 recording?
12 A I did.
13 Q Okay. Did you hear the customer
14 indicate that he didn't meet with anybody
15 but he was called on the phone?
16 A Yes.
17 MR. HALLAK: Objection to the form of
18 the question. The recording speaks for
19 itself.
20 A That's what I heard.
21 Q Okay. Just there was an
22 objection. I want to clean up the record
23 a little bit. All objections preserved,
24 did you hear the customer say that he
25 didn't meet with anybody but there was a

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1 G. Pudles
2 call on his telephone?
3 A Yes.
4 Q Okay. And the verifier
5 responded, we will mark this as customer
6 needs clarification; correct?
7 A Correct.
8 MR. HALLAK: Same objection.
9 THE WITNESS: Same answer. Correct.
10 BY MR. PRESTON:
11 Q Okay. And so this also would
12 have been the response dictated by a rule
13 set by defendants; correct?
14 A Correct.
15 Q Okay. And sitting here as you
16 are today, you don't know where that rule
17 would've been communicated or how it
18 would've been communicated?
19 A Correct.
20 Q Okay. That's all fair. I have
21 one more. Should that have triggered an
22 investigation by defendants?
23 MR. HALLAK: Objection to form.
24 MR. MURDZA: Objection to relevance,
25 your knowledge.

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1 G. Pudles
2 A I'm going to go back and say
3 that recording -- since you're asking, and
4 normally I haven't done this, but that
5 recording shows the best of everything.
6 And so what you've shown is showed the
7 best of everything. That --
8 Q Sure.
9 A -- TPV agent heard something
10 that wasn't -- she wasn't sure of. And on
11 behalf of Spring Energy, she -- she
12 confirmed what she was -- she thought she
13 heard, and then she marked it as a no
14 sale, which is their instructions because
15 their goal is to only sell to people who
16 want to buy from them. So to me that --
17 that recording demonstrated the integrity
18 that I spoke of earlier of Spring Energy
19 in their dealings with -- with consumers.
20 Q Sure. But she also marks it as
21 needs clarification.
22 A And there's 101 reasons why you
23 might do that. But again, you're ignoring
24 that it said no sale. That any one of --
25 and I looked at that form you brought up,

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1 G. Pudles
2 and everyone said no sale. Any one that
3 said need clarification, which would --
4 which, you know, as we hear now, what that
5 means said no sale. So their rule was
6 that if -- if the -- if you put in needs
7 clarification, that means no sale.
8 Q Because, and I think your point
9 is this, that defendants would not enroll
10 anybody unless there was a recorded call
11 in which the customer said, no, they met
12 me in person; isn't that right?
13 A That's right.
14 Q Okay. And so they're waiting
15 for that call to ascertain whether or not
16 that they can enroll that person -- they
17 need the recorded call before they enroll
18 any of their customers; correct?
19 MR. HALLAK: Objection to form.
20 MR. MURDZA: Objection to form.
21 A And -- and you're asking me to
22 make a legal opinion about what they need
23 versus what -- what I can tell you is that
24 in the examples that you gave me -- the --
25 where the consumer indicated that they

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1 G. Pudles
2 didn't meet with somebody, that by rules
3 set by Spring Energy, they didn't accept
4 the enrollment from the sales agent,
5 because they don't want -- they're not
6 dancing on the lines. They're being an
7 integrity filled provider of -- of energy
8 services.
9 Q Okay, I understand. I think
10 there's another recording that I'd like to
11 listen to.
12 A Okay.
13 Q So this is -- I'm going to mark
14 this as Exhibit 157.
15 (Exhibit 157 was marked for
16 identification.)
17 (Audio played.)
18 I just want to pause there for a
19 second. He's talking about [REDACTED]
20 [REDACTED] correct? That's the name that
21 he's discussing with --
22 A That's the name -- that's the
23 name he said, but I don't know who he is.
24 Q Fair enough.
25 (Audio played.)

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1 G. Pudles
2 So he's talking about getting a
3 verification call; is that correct?
4 A That's what it sounded like.
5 (Audio played.)
6 Q So I want to pause there again.
7 He directed her to state during the
8 verification call that they met in person.
9 Did you hear that?
10 MR. MURDZA: Objection, form. Speaks
11 for itself. You can answer.
12 A -- right? I mean, the thing
13 speaks for itself. He said what he said.
14 Q That's not actually an objection
15 in a deposition. Can you answer whether
16 or not he --
17 A Well, I -- I said I -- the --
18 the call speaks for itself, that you heard
19 what he said. I heard him say what you --
20 you repeated in different words what he
21 said.
22 Q Okay.
23 (Audio played.)
24 So I want to pause there. Is it
25 true that the verifiers are not allowed to

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1 G. Pudles
2 ask any questions outside of the script
3 that's provided by the defendants?
4 A That's approved by the
5 defendants, yes.
6 Q Okay.
7 (Audio played.)
8 So it sounds to me like he
9 instructed her not to tell the truth
10 during the verification and to state that
11 she had met with the sales agent at her
12 door. Did you hear that?
13 A I heard the same recording you
14 did, and that's what it sounded like, yes.
15 Q Okay.
16 A But my -- but my reading or
17 hearing of that means nothing.
18 Q And it says he already has her
19 information put into the electronic
20 authorization portal. Did you hear that?
21 A I did.
22 Q Okay. I would presume that that
23 is TPV.com's electric authorization
24 portal? This person was enrolled later on
25 by the defendants?

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1 G. Pudles
2 A Again, I'm just going to simply
3 say that he said what he said. I don't
4 know what he was talking about, and I'm
5 not going to guess. That's not my --
6 Q Sure.
7 A -- my job isn't to guess, but my
8 job is to testify as to the -- the
9 details, and I don't have any details
10 about what he was meaning.
11 Q All right. I have one -- two
12 more things, and we are almost out of
13 here.
14 A You made that promise before.
15 Q That's true. That's true.
16 You've got me. Hold on. Let me find
17 this. All right. So there's Exhibit 158
18 that I'm introducing. It's another
19 recording from a little bit later in time.
20 Oh, not that one. Yeah. Excuse me.
21 Ignore Exhibit 158 for the moment. We're
22 going to -- I'm introducing a new exhibit,
23 Exhibit 159.
24 (Exhibit 158 and Exhibit 159
25 were marked for identification.)

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1 G. Pudles
2 (Audio played.)
3 All right. So I listened to
4 that. It sounds like a verification call
5 to Robert T. Koch, K-O-C-H. Did you hear
6 that?
7 A It's -- I heard what you heard,
8 yes.
9 Q Okay. And she asked -- the
10 verifier asked if he would confirm if he
11 met with a Spring Power & Gas
12 representative, and he said no. Did you
13 hear that?
14 A Yes.
15 Q Okay. And then she said, "we'll
16 mark this call as customer needs
17 clarification." Did you hear that?
18 A I did.
19 Q Okay. So this call's from a
20 little bit later in time and I want to
21 confirm with you that defendant's rules
22 for marking calls as needs clarification
23 did not change from 2021 to a later point
24 in time. Is that your understanding as
25 well based on that call?

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1 G. Pudles
2 A What was the date of that call?
3 Q That call was March 18, 2022.
4 A Then it appears to be the
5 same -- same process.
6 Q Okay. Did AnswerNet ever alert
7 defendants to these calls, or would they
8 have alerted defendants to the content of
9 these calls?
10 MR. MURDZA: Objection, form.
11 A We provided reports on these
12 calls and their dispositions, and the --
13 the stuff that you already saw on the
14 reports you've already shown to the -- to
15 the client.
16 Q Okay. So, but --
17 THE REPORTER: I'm sorry, Counsel.
18 Sorry, Counsel. Counsel Hallak, did you
19 join on -- in on -- in on the objection?
20 I think you're muted. I saw you -- your
21 lips moving?
22 MR. HALLAK: Yes, I did. Sorry.
23 THE REPORTER: Sorry about that,
24 Counsel. Sorry, Counsel. Thank you
25 everybody.

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1 G. Pudles
2 BY MR. PRESTON:
3 Q So was there any communication
4 from AnswerNet to the defendants outside
5 of what's shown in, you know, the distance
6 reports at Exhibit 104 and 105?
7 A There are alert reports which
8 that -- which the -- I believe there are
9 alerts that go to clients, but I don't
10 know if these particular calls were in the
11 alerts or not. But otherwise if they
12 weren't in the alert, then we would have
13 no way of -- we would not necessarily --
14 to my knowledge. Now, I'm not saying we
15 didn't, but I'm saying to the best of my
16 knowledge, we did not communicate
17 otherwise directly to Spring other than
18 providing them with the call data, which
19 based on what we've seen would've said no
20 sale because they don't want sales that
21 are improper.
22 Q Sure. Does AnswerNet use any do
23 not contact lists before making
24 verification calls?
25 A No.

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1 G. Pudles
2 Q Okay. Do AnswerNet verifiers
3 get instructions on recognizing or
4 addressing cognitive decline in elderly
5 adults.
6 A I have no idea what you are --
7 what you are asking. And besides that,
8 are you suggesting that that was something
9 that an -- that a verifier should have
10 seen during that period for one of your
11 class members?
12 Q No, it's just literally --
13 A -- there's something specific,
14 then by all means speak up, but -- but,
15 you know, asking me if --
16 Q No, no. It's just a question
17 I'm --
18 A -- read minds, no, they don't
19 read minds.
20 MR. PRESTON: Okay. I think that's
21 it. I don't have any other questions. I
22 don't know if Mr. Murdza or Mr. Hallak do.
23 MR. HALLAK: No questions from the
24 defendants.
25 THE REPORTER: Okay. We'll go -- all

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<p>1 G. Pudles</p> <p>2 right. Since this is federal, we'll do</p> <p>3 orders on the record before we go off the</p> <p>4 record. So Counsel Hallak, will you --</p> <p>5 will you be ordering today?</p> <p>6 MR. HALLAK: Yes, please. I just</p> <p>7 need an electronic copy for now. Thank</p> <p>8 you.</p> <p>9 THE REPORTER: Okay. E-copy,</p> <p>10 standard ten day?</p> <p>11 MR. HALLAK: Sure.</p> <p>12 THE REPORTER: Okay. And -- and</p> <p>13 Counsel Murdza, will we be ordering a -- a</p> <p>14 copy of the transcript today?</p> <p>15 MR. MURDZA: No, we won't.</p> <p>16 THE REPORTER: All right. Thank you</p> <p>17 so much. The time is 12:42 p.m. Off the</p> <p>18 record.</p> <p>19 (Signature reserved.)</p> <p>20 (Whereupon, at 12:42 p.m., the</p> <p>21 proceeding was concluded.)</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 118</p>	<p>1 CERTIFICATE OF TRANSCRIBER</p> <p>2 I, PATRICIA EDMONDS, do hereby certify that this</p> <p>3 transcript was prepared from the digital audio recording of</p> <p>4 the foregoing proceeding, that said transcript is a true</p> <p>5 and accurate record of the proceedings to the best of my</p> <p>6 knowledge, skills, and ability; that I am neither counsel</p> <p>7 for, related to, nor employed by any of the parties to the</p> <p>8 action in which this was taken; and, further, that I am not</p> <p>9 a relative or employee of any counsel or attorney employed</p> <p>10 by the parties hereto, nor financially or otherwise</p> <p>11 interested in the outcome of this action.</p> <p>12 September 3, 2024</p> <p>13 <i>Patricia Edmonds</i></p> <p>14 PATRICIA EDMONDS</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 120</p>
<p>1 CERTIFICATE OF DEPOSITION OFFICER</p> <p>2 I, JAMES BEKMAN, the officer before whom the</p> <p>3 foregoing proceedings were taken, do hereby certify that</p> <p>4 any witness(es) in the foregoing proceedings, prior to</p> <p>5 testifying, were duly sworn; that the proceedings were</p> <p>6 recorded by me and thereafter reduced to typewriting by a</p> <p>7 qualified transcriptionist; that said digital audio</p> <p>8 recording of said proceedings are a true and accurate</p> <p>9 record to the best of my knowledge, skills, and ability;</p> <p>10 that I am neither counsel for, related to, nor employed by</p> <p>11 any of the parties to the action in which this was taken;</p> <p>12 and, further, that I am not a relative or employee of any</p> <p>13 counsel or attorney employed for this</p> <p>14 financially or otherwise in</p> <p>15 action. September 3, 2024</p> <p>16</p> <p>17 <i>James Bekman</i></p> <p>18 JAMES BEKMAN</p> <p>19 Notary Public in and for the</p> <p>20 State of New York</p> <p>21 [X] Review of the transcript was requested.</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 119</p>	<p>1 David.Murdza</p> <p>2 david.murdza@answernet.com</p> <p>3 September 3, 2024</p> <p>4 RE: Nock, Robert, Et Al. v. Spring Energy RRH, LLC, Et Al.</p> <p>5 8/26/2024, Gary Pudles (#6872872)</p> <p>6 The above-referenced transcript is available for</p> <p>7 review.</p> <p>8 Within the applicable timeframe, the witness should</p> <p>9 read the testimony to verify its accuracy. If there are</p> <p>10 any changes, the witness should note those with the</p> <p>11 reason, on the attached Errata Sheet.</p> <p>12 The witness should sign the Acknowledgment of</p> <p>13 Deponent and Errata and return to the deposing attorney.</p> <p>14 Copies should be sent to all counsel, and to Veritext at</p> <p>15 (division email).</p> <p>16 Return completed errata within 30 days from</p> <p>17 receipt of testimony.</p> <p>18 If the witness fails to do so within the time</p> <p>19 allotted, the transcript may be used as if signed.</p> <p>20</p> <p>21</p> <p>22 Yours,</p> <p>23 Veritext Legal Solutions</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 121</p>

<p>1 Nock, Robert, Et Al. v. Spring Energy RRH, LLC, Et Al.</p> <p>2 Gary Pudles (#6872872)</p> <p>3 ERRATA SHEET</p> <p>4 PAGE____ LINE____ CHANGE_____</p> <p>5 _____</p> <p>6 REASON_____</p> <p>7 PAGE____ LINE____ CHANGE_____</p> <p>8 _____</p> <p>9 REASON_____</p> <p>10 PAGE____ LINE____ CHANGE_____</p> <p>11 _____</p> <p>12 REASON_____</p> <p>13 PAGE____ LINE____ CHANGE_____</p> <p>14 _____</p> <p>15 REASON_____</p> <p>16 PAGE____ LINE____ CHANGE_____</p> <p>17 _____</p> <p>18 REASON_____</p> <p>19 PAGE____ LINE____ CHANGE_____</p> <p>20 _____</p> <p>21 REASON_____</p> <p>22 _____</p> <p>23 _____</p> <p>24 Gary Pudles Date</p> <p>25</p> <p style="text-align: right;">Page 122</p>	
<p>1 Nock, Robert, Et Al. v. Spring Energy RRH, LLC, Et Al.</p> <p>2 Gary Pudles (#6872872)</p> <p>3 ACKNOWLEDGEMENT OF DEPONENT</p> <p>4 I, Gary Pudles, do hereby declare that I</p> <p>5 have read the foregoing transcript, I have made any</p> <p>6 corrections, additions, or changes I deemed necessary as</p> <p>7 noted above to be appended hereto, and that the same is</p> <p>8 a true, correct and complete transcript of the testimony</p> <p>9 given by me.</p> <p>10</p> <p>11 _____</p> <p>12 Gary Pudles Date</p> <p>13 *If notary is required</p> <p>14 SUBSCRIBED AND SWORN TO BEFORE ME THIS</p> <p>15 _____ DAY OF _____, 20____.</p> <p>16</p> <p>17</p> <p>18 _____</p> <p>19 NOTARY PUBLIC</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 123</p>	